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Miscellaneous

1 Sulphur Springs
2-5 2 Pierpont & Hollis Strt (1839)
6 3 Sprague on Licence Law
7 4 Dexter & Hallet do.
8 5 Sargent's Address Mass Temc Socy 1833
9 6 Lothrop's " 1835
10 7 Channing's (walter) 1836
11 8 Annual Report do "
12 9 Sargent's Letter to Stetson on Temperce
13 10 Circular Hard Univy &c 1834
14 11 Prest Quincy's Statement do "
15 12 Report on John Atkins' Case
16 13 Sketch of Con Char Society
17 14 Gray's Letter to Evr Lincoln (fine)
18 15 First Exn & Fair of Mass Char Mech Asso (1837
19 16 Everett's Address at do
20 17 Prize book Lat School Boston 1820
21 18 Richardson's Complaint 2 Bay Association

A VISIT TO THE RED SULPHUR SPRING OF VIRGINIA,

DURING THE SUMMER OF 1837: WITH OBSERVATIONS ON THE WATERS.

BY HENRY HUNTT, M. D.

WITH AN INTRODUCTION, CONTAINING NOTICES OF ROUTES, &c. BY AN ANNUAL VISITER.

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1839.

The following Pamphlet, by Dr. Huntt, was printed in Washington City, 1838. It is now re-printed in Boston, with an Introduction, by an Annual Visiter from this City.

Boston, August, 1839.

927

INTRODUCTION.

New England has the character, whether deservedly or not, of being more subject to complaints of the lungs, than other parts of the country. From the oral reports made to me, and from the publication of Dr. John Bell, on Baths and Mineral Waters, in general, and of the Virginia Springs in particular; as well as from the pamphlet to which this note is appended, it is believed that the waters of the Red Sulphur, are peculiarly adapted to the *relief*, if not to the prevention of consumption. In this belief, I have caused a few hundred copies of the pamphlet by Dr. Huntt to be printed, intending to cause a copy of it to be placed in the hands of the medical gentlemen of my native State; as well as to present a copy to each of the clergy, whose kind attentions are known to be always at the service of those who are suffering under diseases, in their several parishes.

The variety of mineral waters in Upper Virginia, is probably greater, than is found *within the same space* in any portion of the globe. That there are waters of the same character in

10692

Europe, there is no doubt; but as far as I am informed, or have experienced, one must travel hundreds of miles to procure the waters suited to the variety of cases, to which the springs of Virginia are adapted. The Warm Spring, the Hot Spring, the Sweet Spring, the White Sulphur Spring, the Salt Sulphur Spring, the Red Sulphur, the Grey Sulphur, and the Blue Sulphur, can all be reached in travelling one hundred and ten miles; and the four, first named, are within a circle of fifty miles. When the efficacy of these springs is mentioned to those, who live in Boston, and who are nine hundred miles distant from them, and who may think that their complaints might be mitigated, if not entirely relieved by some of those various springs, the trial is often not made, either on account of the difficulty of reaching the springs, or from erroneous notions in regard to the expense of the journey. I will now give the most direct route, and state the expenses of the journey.

The city of Washington may be reached from Boston with ease in three and a half days,* by steamboat and rail-road, via. Stonington, New York, Philadelphia, and Baltimore. To Washington the expense of travel will be $21, and if you add a dollar per day for your support, three dollars and a half, gives $24½, for this part of the tour. From hence you have the choice of routes to the Warm Springs. The shortest is by *coach* from Washington to Warrington or Lee's Springs, thence to Orange Court House, Charlottesville, Stanton to the Warm Springs. Another route is from Washington or Baltimore, by

* I have been on the road from the Hot Springs to this place, Boston, but four and a half days having stopped ten hours at Baltimore, four at Philadelphia, and four at New York.

rail-road to Harper's Ferry and Winchester, thence to Harrisonburg, and thence to the Warm Springs; the distance by stage being from one hundred and thirty to one hundred and forty miles, and the stage fare here about ten cents per mile. Through Virginia, on the great roads, the price of dinner and supper and breakfast, are fifty cents each; the time, two days. A third route is by steamboat from Baltimore or Washington to within a few miles of the mouth of James River, where you are met by, and transferred to, another steamboat which takes you to Richmond, the capital of Virginia; thence by rail-road to Louisa Court House, seventy miles, and in thirty miles more by coach, you reach Charlottesville, thence to Stanton and the Warm Springs in a day. A fourth route is from Washington by steamboat to Potomac Creek; thence by stage, nine miles to Fredericksburg, where you are taken in the cars of the rail-road, and thence to Louisa Court House, where the rail-road now terminates, thence to Charlottesville, as in the former route.

The most beautiful of the routes is that which takes you by Harper's Ferry, and Winchester, through the superb valley of the Shenandoah. The road from Winchester to Harrisonburg is now under the process of McAdamizing, and, in another year, will be finished; and I have no doubt will be a fine road, and the readiest way to get to the Warm Springs. Charlottesville is worthy a day in order to see the Colleges, and Montecello, the late residence of Mr. Jefferson. Between Charlottesville and Stanton, you cross the Blue Ridge, from the summit of which you overlook an immense extent of country. The roads, after the last of May, are good, no where dangerous,

and generally equal to those in our own State. The road from Charlottesville to the Warm Springs does not pass through much cultivated country in proportion to the distance, but the mountain scenery compensates for the want of cultivation. Within five or six miles of the Warm Springs, you commence the ascent of the Warm Spring Mountain, by a zigzag turnpike, and reach it by the road, in five miles ; though a straight line from where you begin the ascent, to the turnpike gate on the top, is probably not more than two miles. From the top of this mountain, you have a still more extensive view than from the Blue Ridge, before noticed.

The road from the summit to the hotel kept by Col. Fry, at the Warm Springs, is a sharp descent of one and a half miles. This is the first of the baths before spoken of. The hotel is 150 feet in length, built of brick, with a piazza 15 feet wide. The lodging chambers are large, and the fare good. The large bath is of an octagon form, open at the top, upwards of 40 feet in diameter, the water 4 1-2 to 5 feet deep, the temperature of the spring is 98° of Faren. The water is perfectly transparent, and almost as buoyant as the Dead Sea, as described by Stevens. Bubbles are constantly rising from the bottom. The fact that when empty, it takes but fifteen minutes to fill it, shows the abundant supply of this Mountain Spring. This is called the pleasure bath, from its temperature, and other concomitants. The waters of the *Warm Springs* in Virginia are less medicinal than the Cold Water Springs ; but as a bathing establishment, it cannot be surpassed. The avenues by which you reach the baths, and particularly the *ladies bath*, are bad, and even dangerous to per-

sons in feeble health ; but the keeper of the house assured me that this shall be corrected. There is a well furnished store, and some dozen houses, near the hotel.

Five miles from the Warm Spring you reach the Hot Springs. The hotel and the springs, with a large tract of land, belong to Dr. Goode, who resides near the premises ; and being a well educated physician, is consulted by many of the persons who visit those baths. The temperature of the *Spout Bath* is 106.° There is a bath also at about the same temperature as that at the *Warm Springs*, that is 98°.— These springs, like all the springs of Virginia, are situated in a valley, flanked by high mountains.

These baths are particularly resorted to by persons afflicted with gout, rheumatism, eruptions of the skin, and other disorders enumerated in the printed accounts of the springs. There are two baths, in which the water may be taken at six feet fall on any part of the body ; the column of water is three by four inches, and when taken at the whole height of the fall, must prove beneficial to rheumatic patients, and others where the *douche* is required. As one of the baths is capacious, it is used as a swimming bath by the sick, as well as those who are travelling for pleasure ; and afforded to the writer, great delight, as well as benefit. The lodgers are accommodated in cottages, or cabins, as they are here called, according to their fancy ; and their meals, which are ample and good, are furnished at a common table, in the main building. New accommodations for lodgers are now preparing, and when finished, will add greatly to the comfort of those, who do not like being in houses by themselves.

Thirty-five miles from the Hot Springs, are the celebrated White Sulphur Springs, which are visited by those who are in search of pleasure, as well as those who are in want of the waters. The accommodations for visiters to this place, are much more extensive than at any of the other watering places in Virginia; the views are more beautiful, and visiters much greater in number, than at the other springs. The amiable owner of this delightful spot, though he takes no active part in the management of the concern, has an excellent representative in his son, Wm. B. Calwell, Esq., who has been fortunate in selecting as his principal executive aid, Mr. King, whose obliging attentions and courtesy, are acknowledged by all who know him. The warm baths are well arranged, and kept ready for use; the cottages have both male and female attendants, who are attentive to the calls of the inmates at all times. Breakfast is served at seven o'clock, where you have bread of excellent quality, and great variety, with cold meats, tea and coffee. Dinner is served in the same room, where all the meals are taken, which is 150 feet long, by 40 feet wide. Roast and boiled beef, mutton, venison, ham, &c. &c. supply the dinner. It is to be regretted that there is not a greater variety of vegetables, but this want will be soon supplied, I am told. The rides in the vicinity are pleasant, and the roads good. Hackney coaches are kept for those who wish them, but as the mail and accommodation coaches move east and west every day, private carriages are not much called for. As it is not the object of this notice, to name all the cases in which those waters are beneficial, I will merely point to some of those stated by the resident physician, Dr. Moreman, to have been much alleviated, or cured. Dr. M.'s

pamphlet, descriptive of the cases he alludes to, has been published, and may probably be found at the book stores. Among the diseases referred to, are what are called bilious complaints, dyspepsia, gravel, and eruptions of the skin.

The time for visiting the springs of Virginia, generally, is from the 20th of May to the middle of October; by the 1st of June the roads are settled, and although you pass the Blue Ridge and the Alleghany, yet they are so well graded, that they are passed with as much safety as the hills in our western counties. The lines of stages are regular and excellent, and as far as my experience goes, driven by careful men. Callahan, about half way between the Hot and the White Sulphur, is an excellent tavern, and the keeper assiduous to please; and though last, not least, in the months of July and August, are assembled at the White Sulphur, from the different States of the Union, a company of ladies and gentlemen, who rank high on the score of beauty, accomplishments and talents. In June, and till my departure in July, the weather was pleasant, frequent showers, succeeded by sunshine, more like our April than June, though milder; till 1st of July a little fire morning and evening is convenient. The thermometer in June was sometimes as low as 47° at sunrise, and at noon, it in some cases, rose to 88°.

The next springs are 24 miles from the White, and are called the Salt Sulphur. The accommodations are extensive, the table abounding with good food, both animal and vegetable, well cooked, and the owners of the springs, Messrs. Caruther and Erskine, attentive and obliging. The waters, I am told, do

not differ materially from those of the White Sulphur; some persons even think them superior to those of the White. "Who shall decide, when doctors disagree"?

At the distance of seventeen miles from the Salt Sulphur, you reach the Red Sulphur, the medicinal properties of which are treated of in the pamphlet, to which these notes are appended. This is a beautiful *little valley*, with good accommodations for three hundred persons. Dr. Burke is full of attention,—does all in his power to make his guests comfortable,—has excellent executive officers, and as many waiters as are required, both at the cottages and the eating-house.

In addition to the cases referred to by Dr. Huntt, in the pamphlet annexed, I have had reported to me by my friend, Dr. Alexander, an eminent physician of Baltimore, now resident at the Springs, two cases of bleeding at the lungs, which came under his observation in Maryland, and by him the afflicted persons were advised to visit the Red Sulphur, as giving them the best chance of recovery. One patient was a blacksmith, who, after the residence of a month, returned to his business restored to health. The other was a watchmaker, who was greatly afflicted with bleeding at the lungs, and which ceased after remaining some time at the Red Sulphur; but upon going away, the bleeding returned; he again visited the Springs, with the same result as from the first visit. Since then, the Doctor has not heard of, or from him.

The situation of this valley is more picturesque than any of

the others. The bases of the hills are not more than 300 feet apart, and from the gate to a beautiful hill at the end of the site where the houses are placed, does not exceed 500 feet. The level ground is laid out in grass plats; the walks are nice; there are excellent warm baths; a fine band of music; and when I arrived there, there were ninety guests, which, before I left the White Sulphur, had increased to one hundred. The virtues of this spring are spoken of in the annexed pamphlet, and require nothing from me.

Nine miles from the Red Sulphur, are situated the Grey Sulphur. The road is good though hilly. The Springs and surrounding lands belong to the gentleman who resides at them, who has been relieved from a complaint in the breast by the use of those waters. The high mountain range, a continuation of the Sweet Spring Mountain, furnishes the waters of those springs, and which are not unlike some others.

A pamphlet has been published containing certificates from persons of the first character as to the cures which have been effected by those waters. Mr. Legaré the proprietor, is from South Carolina, and is highly esteemed by those who know him. The accommodations are not so extensive as at the other springs, but will be increased as they are wanted. I passed only a day here, and if the table is ordinarily as well furnished as when I was there, and of which I have no doubt, from report of others, there is no cause of complaint by sick or well.

I have thus given a slight notice of the watering places, which are on the continuous line.

The Blue Sulphur Springs lie on the travelled road to the Ohio, and are about 22 miles from the White Sulphur. The location of those springs is picturesque. The valley is of limited extent, the buildings extensive and in good state, and the table said to be amongst the best on the west side of the Blue Ridge. Here are also good baths; a band of music; and, in the neighborhood, abundance of deer, bear, &c. &c. I have seen no analysis of those waters; no book that I have seen treats of them; but as far as I can learn, they have much the character of the White Sulphur Waters. I was much pleased with these Springs, and I find that it is not uncommon for those who call at them, intending to remain but a night, to stay a week.

The last of the watering places of which I shall speak, is the Sweet Spring, belonging to Dr. Lewis, who resides at them. The road to these springs from the White Sulphur is seventeen miles, by a turnpike road, ten miles of which is through a valley, the foot of the mountains so nearly meeting, that the road is cut through the side of the mountain in many places. The other seven miles are through the Valley of the Sweet Spring Mountain, which is cultivated, and is now burthened with heavy crops of grain, potatoes, and grass. I have seen no printed account of these springs; the account I have of them is from a source not to be doubted. These waters were discovered before any of the mineral waters in this part of Virginia were known, in 1764. In 1773 they began to be

noticed as a watering place, and in 1774 were analysed by Bishop Madison, then president of William and Mary College, but which analysis I have not seen. The water is at 74° of Fahrenheit. The baths for both male and female visiters are under the same roof, divided by a brick wall in the centre, and each about twenty feet square, and the water four and a half to five feet deep. In plunging into those waters, there is a slight shudder, which in my case, and indeed generally, was succeeded by a delightful glow. One is very much induced to linger in the bath, but five to ten minutes, in most cases, are found better than longer. My informant says the waters are good in all cases of dyspepsia, in chronic diarrhœa, inflammation of the kidneys, in destroying calculus in the bladder; highly efficacious in diseases incident to females; and in many cases where other waters have proved ineffectual, these springs are generally visited, after the waters of the other springs have been used. They are therefore resorted to more after the beginning of August than earlier, and the visiters from the south frequently remain here till October. The part of the valley where the springs are situated is highly cultivated, and very productive; the grounds are beautiful, and attention has been paid to preserving the magnificent oaks, sugar trees, and others which are on the grounds.

The residence of visiters has hitherto been in the cabins or log houses, which were formerly the dwellings of all who visited any of the Virginia springs. Dr. Lewis has just now finished a house which for architectural beauty and accommodation is superior to any house built for the same use, in the United States, *that I have seen.* It is built of brick, has two

stories, besides a basement, which is appropriated to kitchen, bake and store rooms, with offices for various purposes; the piazza 17 feet wide the whole length of the building, stands on brick arches, and is reached by three sets of steps of black walnut, the width of each of the three porticoes, by which the front of the building is ornamented. The principal story has a dining room 160 feet long, at one end of which is a ladies drawing-room, and at the other end a dancing room; they are each the whole width of the building, which is 48 feet, and 40 feet deep. The whole building is completed by this time. In the principal story, there are 36 bed-rooms, with an entry between them; they are about 14 feet square. The building has quite an imposing appearance. As those baths are popular with those who have used them, I am in hopes the Doctor has not furnished accommodations beyond what are required.

At all the springs there are other physicians beside those who write themselves resident physicians; most of them give professional advice. Dr. Tindall, at the White Sulphur, has resided at the different springs, and having been practising in this region some eighteen years, is presumed to be as well acquainted with the properties of them as any of the medical men residing at them. The board and lodging at the Virginia springs are about $10 per week.

For several years past, Dr. James, of Albany, has passed the season at the springs, and the present year had under his care between twenty and thirty persons from the State of New

York. He has made the waters his study, and his advice is entitled to all confidence.

As anonymous notices are frequently ascribed to interested motives, I have authorized my name to be given to the public, which I flatter myself will secure this publication from such charge.

T. H. PERKINS.

Boston, August, 1839.

A VISIT

TO

THE RED SULPHUR SPRING OF VIRGINIA,

&c. &c.

In March, 1837, I was attacked with a slight hæmorrhage from the lungs, attended with other symptoms indicating a diseased state of those important organs. For a time, I neglected to resort to medical treatment, and continued to pursue my professional labors, until warned by my failing strength, that the disease was gaining ground. By the application of the usual remedies, the violence of the symptoms was soon subdued, and, in a short time, I felt myself sufficiently restored to resume my usual labors; but, with the exercise, my wonted strength did not return; the cough continued, with occasional pain in the chest, and an uneasy sensation of fulness about the liver, stomach, and spleen. These symptoms, after a time, were attended with increased cough, copious, morbid expectoration, hectic chills, fever, and night sweats; my weight was reduced from one hundred and thirty-five, to one hundred and fifteen pounds.

Such was my situation, when, about the middle of July, I left home for the Red Sulphur Spring, in Virginia. On the third evening, I arrived at the Warm Spring, a distance of two hundred and thirty miles from Washington; and immediately

after getting out of the stage, I plunged into the delightful bath of that place, an imprudence against which I would earnestly caution all invalids, who arrive after a long journey, with the whole system exhausted by fatigue. The consequences in my own case warrant me in pronouncing it to be fraught with great danger. While in the bath, its effects were very grateful and pleasant; but, shortly after leaving it, I became chilly, and this feeling was followed by hot skin, intense headache, and pain in the chest. After breakfast the next morning, though still very unwell, I continued my journey, and arrived before night at the White Sulphur Spring, where I remained two days, drinking freely of the water, which seemed only to increase the cough and pain in the chest, and produce an aggravation of all the other symptoms. Leaving this place on the third morning, I passed Union at noon, dined at the Salt Sulphur, and before sunset, arrived at this celebrated fountain, for the benefit of whose waters I had left home. The Red Sulphur Spring, is situated in latitude 37° 37′, in Monroe county, Virginia, about twenty miles south-west of Union, which is the seat of justice for the county. The approach to the village is beautifully romantic and picturesque. Wending his way around a high mountain, the weary traveller is for a moment charmed out of his fatigue by the sudden view of his resting place, some hundreds of feet immediately beneath him. Continuing the circuitous descent, he at length reaches a ravine, which conducts him, after a few rugged steps, to the entrance of a verdant glen, surrounded on all sides by lofty mountains. The south end of this enchanting vale, which is the widest portion of it, is about two hundred feet in width. Its course is nearly north for about one hundred and fifty yards, when it begins gradually to contract and change its direction to the north-west and west, until it terminates in a narrow point. This beautifully secluded Tempe, is the chosen site of the village. The north-west portion is occupied by stables, carriage houses, and shops of various sorts; the southern portion, just at the base of the east and west mountains, is

that upon which stand the various edifices for the accommodation of visiters. These buildings are spacious and conveniently arranged; the servants are prompt and obedient; and the "Table d'Hote" is abundantly supplied with every variety of viands that can tempt the appetite. The promenades, which are neatly enclosed by a white railing, are beautifully embellished, and shaded from the mid-day sun by indigenes of the forest, the large umbrageous sugar maple, (*the acer saccharinum.*) The Spring is situated at the south-west point of the valley, and the water is collected into two white marble fountains, over which is thrown a substantial cover.

At the distance of a few hundred yards from the Red Sulphur Spring, up the south ravine, there is another spring, supposed to be a Chalybeate of a *singular* character. My situation did not permit me to make a satisfactory examination of its water, but I should be highly gratified to know the particular character of the water of this spring.

The forest trees of the eastern and western mountains, have been cut down by Mr. Burke, the present worthy proprietor of the Spring, so that this delightful glen enjoys the purifying influence of the sun from seven o'clock in the morning until near five in the afternoon, which makes the grounds much drier than they formerly were, and less liable to morning fogs. Regular stages, or post coaches, arrive here daily, both from the north and south. It is but justice to the amiable and intelligent proprietor, to say, that the improvements he has made, within the short period of four years since he has had the control, give assurance that, should he live a few years longer, the Red Sulphur Spring will not be excelled by any of the numerous places of resort among the salubrious mountains of the Old Dominion, either in magnificence of scenery, beauty, taste, comfort or health.

On the evening of my arrival at the Spring, I commenced the use of its water. The next day, during a violent paroxysm of coughing, a coagulum of blood was discharged from the lungs, which was followed by considerable hæmorrhage.

After this, the cough became less troublesome, but the evening exacerbations of fever, and the night sweats continued, my pulse beating a hundred and fifteen strokes in a minute. I confined myself to a low diet, and drank six glasses of the water during the day, namely, two before breakfast, one at 11, A. M., one at 5, P. M., and two at bed time. The water acted freely on the bowels, and particularly on the secretions of the liver. In ten days, the abdominal viscera were entirely relieved, the pulse reduced to seventy-eight; and the fever and night sweats had ceased. The quantity of water was now increased to twelve glasses during the day, taken at the same hours, but in double doses. It acted very gently on the bowels and skin, but most powerfully as a diuretic. Thus it appears that in small quantities the water acted freely on the bowels, and but little on the kidneys, while in larger quantities, it acted freely on the latter, and scarcely affected the former. In fact, I could direct its action to the one or the other, at pleasure, by increasing or diminishing the quantity. My cough became better, but my strength still continued feeble, owing to my extremely low diet, and the copious action of the water. Unfortunately I took but little exercise, which I deem all important while using the waters.

After a residence of three weeks at the Spring, and the constant use of the water during that time, to the manifest alleviation of the most pressing symptoms of my complaint, I was unexpectedly called home, in consequence of the illness of a member of my family. In the commencement of my homeward journey, my weak state compelled me to make very short stages; but as soon as I had crossed the mountains, and resumed my usual mode of diet, my appetite and strength returned rapidly, and I completed the distance of three hundred and six miles, in five days, without feeling the slightest inconvenience. The water seemed to produce its good effects in the improvement of my health for months after I had left the Spring.

In a conversation with Mr. Harvey, a plain, honest, and sen-

sible man, who was the former proprietor of the Red Sulphur Spring, I gathered the following facts, which I give in his own words. He stated, "that he had lived at and about the place for upwards of forty-three years. The Spring was first visited by the neighbors for itch, sore legs, and other inveterate diseases of the skin, which were always cured by drinking the water, and rubbing the parts affected with the muddy deposite. About thirty-six years ago, Dr. John Cabell, of Lynchburgh, Va., was the first person who visited the Spring for a cough, and disease of the throat, attended with chills and fevers. He remained here several weeks, and returned home much better. The next season, several other persons came, with cough and every appearance of consumption. Afterwards, the number of visiters afflicted with this disease increased every year. There are many persons now living, within my knowledge, (said Mr. Harvey,) and enjoying excellent health, who visited this Spring many years ago, to all appearance in the last stage of consumption. The visiters who were most benefited by the water, remained here five or six weeks; confined themselves to a diet of rye mush and milk; and were industrious in rising early, drinking the water and taking exercise. Others who indulged themselves in eating, sleeping late in the morning, and lounging about during the day, derived but little advantage from the use of the water, and generally returned home dissatisfied. The cold plunging, or shock bath, was used in those days with decided advantage. I never knew a case injured by the use of the cold bath. Many cases of dropsy visited the Spring, and I never knew an instance where they were not relieved by the use of the water. One of my neighbors was cured many years ago by the use of this water, and now enjoys excellent health. I have known many persons affected with complaints of the liver and bowels completely relieved by the Red Sulphur Water. From the first of May to the middle of November is the proper time for using the water to advantage, but I think it strongest in its various virtues during the months of September and October."

The following was presented to me by Dr. Saunders, the resident physician, as an analysis of the Red Sulphur Water, made at the Spring by Professor Rogers, the Geologist of Virginia; but it certainly does not satisfactorily account for the wonderful effects of the water.

"Temperature of the spring, 54° Fahr.

"Gaseous contents in an imperial gallon.

"Sulphuretted Hydrogen, 4. 54, cub, in.

"Carbonic acid, - 8. 75.

"Nitrogen, - - 4. 25.

"Solid contents of 32 cubic inches of water, gr. 1. 25, consisting of sulphate of soda, lime and magnesia, carbonate of lime, and muriate of soda. Besides these ingredients, the water contains, in considerable quantity, a peculiar organic substance, which, mingled with sulphur, is deposited on the sides of the spring, and seems to increase by a species of organic growth."

The Red Sulphur Water is decidedly sedative in its effects. It subdues chronic inflammation, tranquilizes irritation, and reduces the frequency of the pulse in the most astonishing manner.

It has been considered peculiarly adapted to the cure of pulmonary diseases, and it is true, that it has a most beneficial influence in most cases of this disease; but its good effects equally extend to all cases of sub-acute inflammation, whether seated in the stomach, liver, spleen, intestines, kidneys, bladder, and most particularly in the mucous membrane. In fact, nature never yet gave to man, a remedy, capable of more extensive application, nor better calculated to relieve a larger class of diseases.

It is not uncommon for persons to arrive at the Spring, who have not been able to sleep during the night, even with the aid of opium, and who, after drinking the water for a few days, find their nervous irritation so soothed and allayed that no other anodyne is required to procure them full repose for the night. This fact is so striking, that a young lady of this

place, in writing to her father from the Red Sulphur, facetiously styles it "Sleepy Hollow." The soporific effect of the water, was most forcibly exemplified in the case of Mr. C. Smith, of Georgetown, D. C., a gentleman of the highest respectability, who had been for some time laboring under chronic laryngitis, and had not enjoyed sleep for months, even with the aid of large doses of morphia. He arrived at the Red Sulphur a few days after myself, and immediately commenced a free use of the water; the third night after his arrival, he slept soundly all night, without either coughing, or turning in bed, and not only continued to sleep well every night during the use of the water, but was compelled from the drowsy feeling which it produced, to indulge himself in more than one nap during the day.

In a letter, dated some years ago at this Spring, from the late F. W. Gilmer, Esq., Professor of Law in the University of Virginia, he says: "These waters are far superior to all others. In a few hours they allayed my cough so as to take away all that was unpleasant in it. They diffuse a sense of coolness, freshness, and newer life over the whole system. They abate the pulse most rapidly, remove fever, lubricate and soften whatever is hard and dry, make one sleep as though he had taken an anodyne—are the safest of all waters—and, indeed, have no ill quality."

The late venerable Dr. R. H. Bradford, of Va., who practised medicine for many years at the Red Sulphur, in a communication on the subject of the water, remarks: "The effect of this water in reducing the frequency of the pulse, is one of the numerous, singular, and powerful properties belonging to it. It lessens arterial action to such a degree, that it seldom fails to remove fever, difficulty of breathing, and pain in the chest. When the patient is restricted to a proper regimen, this water may be taken with greater advantage, in all pulmonary cases, than any other remedy I have ever seen employed for that purpose. It is also an important remedy in enlarged liver

and spleen, and in diseases of the mucous membrane generally."

The Rev. W. M. Green, a pious, good man, of Hillsboro, North Carolina, makes the following communication, dated October 15th, 1837. "In the month of March, 1830, (being then in my 32d year,) I was taken with a distressing cough which would scarcely permit me to speak half a dozen words successively without interruption. The attack was doubtless the effect of much exposure in travelling the preceding winters, hastened and aggravated by certain symptoms of dyspepsia, which had been increasing upon me for some months previous. The symptoms of my disease, when first taken down, and for a long time after, were an incessant, hacking cough, and clearing of the throat without expectoration, a sense of choking or suffocation in the lower part of the larynx, which afterwards became inflamed and painful—a pulse varying from 100 to 120 strokes in a minute—a stricture across the breast, preventing full inspiration—dark greenish stools—lateritious urine, copious, and exhausting night sweats—sleeplessness—great nervous irritability—a craving appetite, with oppression after eating—insatiable thirst—frequent involuntary sighing, and more or less fever during the day, especially in the afternoon.

"The medicines, first administered, were brown mixture and other expectorants of similar kind, together with the free use of tartar emetic ointment. My disease, however, seemed to gather force, until a temporary check was given by the exhibition of calomel in broken doses, until salivation was produced, which alleviated some of the most distressing symptoms. As soon as I had regained sufficient strength for the journey, I set out with a kind friend to spend a few weeks near the sea-coast. The trip, however, was without sensible benefit, owing to the prevalence at the time of raw easterly winds, and I returned to all appearance the same, if not worse than on leaving home.

"Having heard much of the efficacy of the Red Sulphur

Water, I determined to try them. Accordingly, leaving home early in July, I reached that place about the 10th, confining myself closely to the use of the water, and of the sulphur shower bath for nine weeks. I had not been at the Spring more than two days, before I began to experience a favorable influence on my system generally, as well as an amelioration of some of the principal symptoms of my complaint. My pulse soon felt the *wonder-working power of that mysterious tempest-stilling agent* which resides in those waters. Arterial action was greatly reduced—the nervous system composed—the cough brought down to a mere fractional part of its former proportions—digestion improved—sleep restored—urine rendered colorless—the stricture across the breast less oppressive—night-sweats lessened—in a word, every painful and dangerous feature of the disease was moderated, and time allowed to nature to shake off the enemy. The two most striking effects produced by the use of this water were the evident reduction of arterial action, at the same time that the general system was recovering its tone, and the total extinguishment of that burning thirst, which had been tormenting me for more than twelve months. I hesitate not to state here, what may appear incredible to many, that, for nearly six months after I returned home, I felt no symptom of thirst, whereas, before my going to the Spring, scarcely fifteen minutes would elapse during the day, between my calls for water. This latter effect was still more strikingly experienced in the case of Rev. Mr. H**t, of Halifax county, Va., who assured me after visiting this Spring a single season he remained eighteen months a stranger to thirst. As to the effect on my pulse, although it was decidedly marked, and beneficial, yet, there were other cases under my own observation of still more striking character. One I distinctly remember, that of a Mr Boal, a young Irishman, residing in Lynchburgh, Va. He came to the Spring by the advice of his physicians, who saw in him the well-know symptoms of pulmonary disease. On his arrival, the average stroke of his pulse was from 110 to 120 in a minute. In *three days*,

without the aid of any other means than the free use of the water, it was reduced to the healthful beat of 65 strokes in a minute. The case of Mrs. B****r, of Raleigh, is no less remarkable; such was the effect of the water on her arterial system, that a single glass was known to reduce the pulse 10 beats in a minute.

"My usual habit was to drink three or four glasses of the water before breakfast—three at 11 or 12 o'clock—two about 5 o'clock in the afternoon, and two on going to bed. I am convinced that what was taken late at night, and very early in the morning, was more efficacious, than all the rest taken during the day. My exercise consisted in a ride of three miles before breakfast on horseback, another about sun-set in my carriage, and in the interval an occasional game at the shuffle-board, a game, which though not very refined, is unquestionably admirably adapted to exercise a weak chest.

"It may be well to mention here that, on my return home, my appearance was so little improved, as to produce the impression among my friends, that my trip had been without benefit. Nor was the improvement which really had been produced, perceived in its extent, even by myself until I had been at home a week or two. I mention this, for the encouragement of other invalids, who return home dejected and hopeless, because they do not experience the immediate good effect of this and the other sulphur waters. That effect is in many cases felt only after the fatigue of the journey is over, and the noisy bustle of the watering place forgotten amidst the comfort and quiet of home. I will only add, that after my return, I was enabled occasionally to occupy my pulpit, and to enjoy the society of my friends.

"The next season I sought the mountains again, but finding my pulmonary symptoms, in a great measure removed, and my dyspepsia but little abated, I spent the greater part of my time at the White Sulphur. A third visit two years after the second, served to remove every unpleasant symptom and put the blessing of health once more in my reach. At this moment,

the only remnant of disease, which all my friends, and nearly all my physicians pronounced to be *phthisis pulmonalis*, is an appetite which often needs the bridle of just moderation.

"To Him, who preserved me, be all honor and praise."

Mr. James Boal, of Lynchburgh, who lost two brothers by pulmonary consumption, in a communication dated Red Sulphur, August 5th, 1837, states: "A change of life from being an active farmer, to that of a sedentary store keeper, produced constipation, and general debility, (especially in my arms and knees,) a dry tickling sensation in the throat, slight cough, and but little expectoration. The tightness increased, until on riding a refractory horse, I had an attack of hæmorrhage; the discharge at first was pretty copious of a scarlet frothy appearance, moderating to a mixture of bloody phlegm. My nights were passed with but little sleep, and that disturbed by troublesome dreams. In the month of June, 1828, had an attack of diarrhœa, and was very much reduced. About the 1st of July, 1828, I visited the Red Sulphur Spring; my pulse, on my arrival, (when free from excitement,) was about 120 pulsations in a minute—commenced drinking the water, and in one week, my pulse was reduced to 65 strokes in a minute, with an improvement in my strength and feelings generally. Supposing my cure effected, I omitted the use of the water a few days, and found my pulse increasing in frequency. I again used it three weeks longer, when my pulse was reduced to its former standard, of 65 strokes in a minute. My course of diet—for breakfast, dried toast and boiled milk, or black tea; for dinner, a little venison, or mutton, rice, or cold wheat bread; for supper, cold rye-mush and milk, always guarding against rich sauces or pastry; took exercise in the open air. My plan was, to drink freely, say six or eight glasses of the water before breakfast, keeping in constant motion. The general operation of the water was that of a diuretic, and by taking exercise, perspiration was very copious; my bowels were regular, once a day, and have continued so (except from casual indisposition,) ever since. I visited the Red Sulphur in

the summer of 1829, and had my general health so completely restored, that I am now here in August, 1837, on a visit to my old friend and benefactor, in perfect health."

The following communication is from Chief Justice Taney, of the Supreme Court, U. S., dated Baltimore, Jan. 8, 1838:

"The information you have received as to the benefit derived from the Red Sulphur Spring by Mrs. Taney and myself, is correct. We spent six weeks or more there, in the summer of 1835, and both of us were in bad health, when we went there. The journey however was undertaken on Mrs. Taney's account, and by the advice of Dr. Potter and Dr. Buckler. Her health had been failing for several years, and her lungs were supposed to be seriously threatened. She complained of a pain in her breast, coughed a good deal, and had an excited and quick pulse. The alarming symptoms were entirely removed by her visit to the Red Sulphur, and she has since enjoyed her ordinary health. It is proper perhaps to remark, that although Mrs. Taney felt in some degree the benefit of the water, while she remained at the Spring, yet we were not sensible of the extent of the improvement, until some time after our return home. Both of us have since had much better health, than we had known for years before, and we both have great confidence in the efficacy of those waters, and I may add, retain a lively recollection of the kind attentions of Mr. and Mrs. Burke, while we remained there."

The following four cases were communicated by a distinguished physician of South Carolina, who passed the summers of 1822–23, and part of 24 at the Red Sulphur Spring, and whose name commands as much respect and confidence as that of any other gentleman in the Southern country:

"I shall give you a few of the very many cases, that have come under my notice of the efficacy of the Red Sulphur water in pulmonary diseases. This is due to the community, and also to the intelligent proprietor, who unites in himself the good manners and politeness of a gentleman, with the capacity and disposition to add all that he can to the comfort, both of

the valetudinarian and traveller who may be in pursuit of pleasure."

Case 1. "In the winter of 1821, it became the duty of B. H. to devote himself to his friend A. B., far advanced in pulmonary disease. B. H. was in good health, and not in the slightest degree predisposed to pulmonary consumption, either by figure or inheritance. A. B. died during this winter with the tuberculous form of this disease. In the spring B. H. began to feel pains in the chest and sides, and frequently to have a tickling sensation about the epiglottis. In July a slight cough made its appearance, and after a week or ten days was followed by an attack of hæmoptysis. The use of the lancet, low diet, and some mild expectorant afforded so much relief, that the usual occupation of B. H. was resumed. In August another attack more severe was experienced, and a troublesome cough excited more alarm. The usual remedies were used, and with relief. In September, a severe attack ensued, a large vessel was ruptured, nearly a pint of blood was thrown up from the lungs, and great emaciation took place. The cough could not be checked, and in October B. H. sailed for the Island of Cuba, with little expectation of ever returning; but his situation was improved by the mild winter of this delightful climate. In April, 1822, he returned to Carolina, still coughing. His situation now became very alarming to his friends, and it was decided that a trip to Virginia should be tried. B. H. rode through the western parts of North Carolina and East Tennessee, and came into Western Virginia at Abington, and reached the Red Sulphur early in June. At this time I was called upon to visit him, and found his pulse 106, cough troublesome, pains in the chest, appetite very variable, tongue preternaturally clean, bowels much disordered and irregular, skin dry and feverish about noon. I directed three tumblers of water to be taken at bed-time, four before breakfast, and as many as were necessary to satisfy thirst during other times of the day. In two weeks, the pulse was reduced to 84, 78, and then 75; the cough was very much diminished, the pains

in the breast were gradually disappearing. The digestion became good, the bowels regular, the skin more comfortable, and the appearance of the patient much improved. The diet was very simple, and the greatest attention was paid both to the quality and quantity of it—tea and coffee were abandoned—hominy, rice, or rye-mush, with milk, constituted the breakfast—a small portion of mutton or venison, with rice, made the dinner, and a dry toast and water, the supper. At the end of five weeks, B. H. left the Spring perfectly renovated, and apparently quite well, having gained fifteen pounds in weight.

"In 1823 and 24, he again visited the Spring, and remained several weeks; he was not sick, but unwell, and returned to the Spring rather to confirm, than to renew his health. To use his own words, he returned to the Red Sulphur, as to an old friend, to whom he was under great obligations. To the present moment he has been in the enjoyment of excellent health. This is a strong case. The circumstances of it authorize me to make it stronger, but I am unwilling to excite any doubts of the value of the Spring, by writing extravagantly of its water."

Case 2. "Mr. J. S. of Mississippi, reached the Red Sulphur Spring in July, 1822. I being the only physician on the spot, was requested to visit him professionally. I found my patient the most emaciated object I ever saw to be moving from place to place. The history of his case as learned from himself was very concise. He had been a soldier at New Orleans, and bore his share in the dangers and difficulties of the campaign, had suffered much from exposure, and at the close of the war was like the rest of the volunteers sent home, and like many others, was the worse for the services he had rendered. His constitution was shattered, and he had been more or less an invalid, until within a few months previous to his arrival at the Red Sulphur. A severe cold had left him with a cough, and after a while, this had been succeeded by hæmoptysis of a most alarming character—repeated attacks left him without strength and without hope. He had no hereditary predisposition to

pulmonary disease. He had been on the road for some time, and seldom travelled more than five miles a day. His cough was very distressing, pulse quick to the touch, and counting 125 in a minute, night sweats and diarrhœa, pains in the chest, and very hurried respiration with profuse expectoration, all presented themselves. To me, this seemed a hopeless case, and, as I thought, beyond the reach of the profession. A large blister was applied to the chest, an expectorant mixture was prescribed—a table spoonful to be taken whenever the cough was troublesome. He was directed to commence with the water in small quantities, (for I was fearful of increasing the diarrhœa.) He took two tumblers at bed-time, and two in the morning early. Upon visiting him the next day, I was informed that he had passed a comfortable night, comparatively speaking—had slept several hours, and was not as much harassed as usual, either by the bowels, or cough. He was directed to live upon rice and milk, dry toast, and weak tea. The quantity of water was increased another tumbler. This plan was persisted in, as my notes show, for ten or twelve days, with a gradual improvement in the case. After this time, the water was increased to eight, and sometimes ten tumblers in the day—the pulse was soon reduced in force and frequency, and the cough much mitigated. The sweats at length ceased, and the diarrhœa disappeared. The effect of the water upon the pulse in this case was very remarkable ; it seemed to control it, as you would the horse with the bridle ; the patient was so sensible of this, that he used to laugh, and say, *if he took an over-dose of the water, his pulse, he believed, would cease entirely.* He rode on horseback at the end of a few weeks, ten miles without inconvenience—his weight was very much increased, and he thought himself well. In six weeks after his arrival, he left the Spring, certainly more improved than any one I had ever seen, with no symptoms of disease remaining except the cough, and that very much mitigated. In 1823, Mr. J. S. returned to the Spring, and I saw him daily ; he stated that he had continued well until March,

when a sudden change of weather, for which he was not prepared, a catarrhal affection, upon the subsidence of which, a cough, and much debility ensued. He remained for three weeks, and again left us in good health, with the exception of a cough, which was by no means troublesome. From this period, I have heard nothing of Mr. J. S., but am persuaded, that he recovered entirely."

Case 3. "Mr. J. C. of North Carolina, was directed to go to the Virginia Springs by his medical adviser, in 1823; but was left to find out the particular Spring that was adapted to his case. I was on a visit to the ——— Spring, and found Mr. J. C., who, upon hearing that I was a medical man, asked for advice. He was of a robust habit originally, (as he stated,) and was most unexpectedly attacked by hæmoptysis, whilst in the midst of his usual occupations, which were mercantile. His strength was at this time considerable—his pulse full and strong, respiration laborious and painful, skin dry, appetite inordinate, and the cough allowing him no rest at night. I used the lancet very freely, limited the diet to bread and milk, and water, and desired him to remain quiet. Upon the ensuing day, the lancet was again used freely, the symptoms not being mitigated; on the third day, there was little or no improvement, and I desired him to proceed to the Red Sulphur, and use the water in full doses—say, four tumblers before bed-time, and four before breakfast—to live low, to take no exercise, and be as quiet as possible. In a week or ten days, I returned to the Red Sulphur, and the first person that greeted me, was Mr. J. C., his symptoms had all subsided, which the lancet had failed to control, and yielded at once to the use of the water. This is certainly a most remarkable property in this water, but it is so well known to the surrounding country, as well as to numerous persons who have visited the Spring, that we incur no risk in making the statement we have. It is also peculiar to the water, that, although on the lowest diet, the strength improves, and the weight is uniformly increased. After some few weeks, Mr. J. C. returned home, restored to the enjoyment

of health, and I have never heard of his return to the Spring, which he would certainly have done, had it been necessary to do so. I could go on, my dear sir, and add case after case, but it is unnecessary to do so; the reputation of the Spring is too well established, to require any eulogy. I will add one more case, and that, not of a pulmonary character, in which the water of the Red Sulphur evinced all the virtues that I have attributed to it in the cases stated."

Case 4. "Gen. P. from Prince Edward county in Virginia, arrived at the Red Sulphur Spring, in August, 1823, so much swollen as to be taken from his carriage with difficulty. The face, hands, feet, and legs, were swollen to an enormous size; the abdomen was absolutely pendulous, and the whole appearance indicated dropsy in its most terrible form. The bowels were torpid; the urine scanty, and high colored; the appetite bad, and the digestion worse; sleep was disturbed and painful from the inability to lay down, and the strength reduced, and daily becoming less.

"The General seemed in much better spirits than could have been expected, and stated, that he had come there on a former occasion quite as sick, as we then saw him, and that he had reason to have all confidence in the water. No medicine was taken, but the water was used in such quantities as the stomach would bear. In a few days the bowels became loose, and at the same time, the kidneys began to secrete, and pour forth urine in large quantities. The swelling of course began to subside, and all the functions to assume a more healthy tone and character. The General remained until the latter end of September, and returned home apparently in good health. The patient whose case has been stated, lived in a fever and ague country, and had suffered much from this disease; his liver was certainly very much deranged in function, if not in structure; his physician at home had pronounced it an incurable case of hepatitis, and did not think he could reach the Spring.

"In '24 I saw the General at the Spring again, his health

was apparently good, but he complained of indisposition, and certainly improved during his residence at the Red Sulphur. I have thus, my dear sir, made from my notes the statements herewith sent you; I could multiply them to a considerable extent, but it is useless as they all go to prove the same thing, viz. the influence that the Red Sulphur Water exercises over the arterial system. I shall not attempt to reason on the subject, it would be satisfactory to me, if I could account for the facts, but it is sufficient for me that the facts do exist."

"I do not wish to be understood as stating that the water of the Red Sulphur will cure confirmed phthisis, or tuberculous consumption; but I believe that we are very often mistaken in supposing a case of pulmonary irritation more desperate, and hopeless, than it really is, and I believe that in most cases, if this Spring is resorted to, early, and the clothing, and diet, and exercise duly attended to, its water will be found a most powerful adjunct, and assistant in the management of these hitherto, unmanageable cases."

During my visit to the Red Sulphur, every day was devoted to the investigation of the various diseases which afflicted the visiters at that place; noting particularly the effects of the water in the different diseases.

Most of the cases were various forms of pulmonary consumption. In the earliest stage of tuberculous disease, the patients generally complained of abdominal plethora with cough, some oppression, and restless nights, with frequent pulse. In all these cases, where the water was taken in such quantities as to operate on the bowels for a week or ten days, and afterwards increasing the quantity so as to act freely as a diuretic, and the patients were abstemious in their diet, and took exercise regularly, a rapid improvement was most generally the consequence. On the contrary, those who used but little exercise, and indulged their appetite without restraint, were slow and tedious in their convalescence. Let it be impressed on the mind of all tuberculous patients, that *sedentary habits* are among the most powerful causes of tuberculous diseases.

Many persons arrive at the Red Sulphur, who are not prepared to use the water, in consequence of high inflammation, or congestion of the lungs, or other organs, attended with pain in the side, constriction at the breast, or hot, and restless nights, with a quick, sharp pulse; all such cases must have the vascular excitement subdued, before the water can be taken with any advantage. I saw several of those cases under the management of *Dr. Saunders*, the resident physician of the place, who treated them very successfully, by means of bleeding, local and general—emetics of ipecac before bed-time—blisters, and occasionally the blue pill.

Most of the visiters at the Red Sulphur this season were laboring under tuberculous consumption, of the second, or middle stage; many of them had visited the Spring one or two seasons, and there was scarcely an exception among them, who had not experienced one or more attacks of hæmoptysis; and *hæmoptysis* may generally be considered as an indication of tubercles in the lungs. Those who had visited the Spring before, would say, that they returned home apparently cured, cough, night sweats, expectoration, frequent pulse, all relieved; a good appetite restored, and flesh increasing daily. Towards the spring season the pulmonary symptoms would commence to kindle up again, and by June or July, it would become necessary to repeat the visit to the Red Sulphur; although the symptoms were much less aggravated, and the constitution much less enfeebled than during the previous season.

The water of the Red Sulphur seems to act by *soothing* irritation, lessening the frequency of the pulse, and by subduing the inflammation of the tissues in contact with the tubercles; and thereby rendering the tubercles harmless; and also by suspending that tendency of the system to generate, or deposite tuberculous matter. It is not unusual in post mortem examinations to discover tubercles in the lungs of subjects, who had never exhibited any signs of pulmonary disease during their lifetime; and in visiting the slaughter houses of butchers, we have been astonished to observe numerous tu-

bercles in the liver and lungs of animals, particularly the hog, and the sheep, which were fat, and otherwise in a healthy condition.

"Dr. Carswell," says Dr. James Clark, "has remarked it as an important fact, that the mucous and serous tissues in contact with the tuberculous matter are often found in a healthy condition, while this continues, tubercles may remain an indefinite length of time in their original state, or the softer part of the tubercle may be absorbed, leaving the more solid calcareous portion only in its site, a termination which occurs more commonly, I believe, than is generally supposed."

Among this description of patients who had visited the Red Sulphur two seasons, was Mr. Jacob S. King, of Henry county, Va., who stated that he was taken ill with an influenza in February, 1835, followed by pulmonary symptoms of a serious character. "About the 7th of August following," says Mr. King, "I arrived at the Red Sulphur Spring, laboring under diarrhœa with acute pain in both sides, so much so, that I could not remain on either side for one minute at a time without great suffering. My pulse was from 120 to 130 in a minute, and my cough very troublesome. The second day after my arrival at the Red Sulphur, I was freely cupped and leeched on both sides, and at night took a pill composed of morphine, ipecac, and blue mass. The third morning I took an emetic of ipecacuanha. My diet was simply one glass of milk, and a piece of stale light bread, three times a day for fourteen days, and drank the water freely, during this period. I gained a pound of flesh daily, and my pulse was reduced to 76 in a minute—my cough, strength, and general feelings were very much improved—bowels entirely regular, and in good condition. I am now at the Red Sulphur, August, 1837, enjoying much better health than in 1835; my cough being but very slight, although my health is entirely restored."

The cases generally, laboring under this stage of pulmonary disease, improved in their health, particularly, if they remained long enough at the Spring, restricted themselves to a proper

diet, and took sufficient exercise; but there were a few among them, who took little, or no exercise, and gave unlimited indulgence to an inordinate appetite. In such cases, I took no interest, and observed but little change in their appearance.

On examining the visiters laboring under pulmonary disease, I observed that all those patients who drank the water so as to act freely on the bowels, for any length of time did not improve in their health, because active purging is not proper for the lungs in this disease. The water must be drunk in such quantities as to act freely on the kidneys. There seems to be an intimate association* between the lungs and the kidneys, and the kidneys seem to be the great emunctories by which the lungs are relieved in all pulmonary diseases; this idea has been repeatedly suggested to me, in my attendance on patients laboring under this disease; on inquiring into their condition, they have frequently said, "I feel much better to-day, I have had a most copious flow of urine which has afforded me great relief." This view of the connexion between the lungs and kidneys, has been confirmed by witnessing the diuretic effects of the Red Sulphur water in pulmonary diseases; I have a friend who is a physician, and who has labored, more or less, under pulmonary disease for twenty years. He informed me that whenever his lungs were disturbed by irritation, he always resorted to "cooling diuretic medicines for relief."

There were but few persons laboring under the third or last stage of tuberculous disease, who visited the Red Sulphur this season, and among those few, there was scarcely a case that derived any advantage from the use of the water. When tuberculous disease arrives at this stage, and the constitution is broken down, it is not only *useless* but *cruel* to send the patient to the Red Sulphur. I am sorry to say, that several of my patients in this condition, by my advice, visited the Red Sulphur this season, and I witnessed the bad effects of the water in their cases, as well as in the cases of others of a simi-

* This association seems to exist also between the heart and the kidneys, as manifested during the use of the water in several cases of diseases of the heart.

lar character. They were laboring under that peculiar irritation, and perhaps ulceration of the bowels, so common in this stage of the disease; they were unable to drink but a small quantity of the water, and the consequence was, that the bowels were purged and griped, the secretion of the kidneys was not increased, and the patients grew worse daily.

The following case of rheumatism of the heart, was communicated by Wallace Allen, Esq. of Richmond, Va., dated February 15, 1838:

"For some years I was a martyr to rheumatic affections, and finding no permanent relief from the various remedies, proposed either by my friends or attending physicians, I was induced as a dernier resort to visit the Hot Spring in the summer of 1821. After remaining there eighteen days, I found my health so far restored, as to deem a longer stay unnecessary. From that period, my health, though not robust, suffered little apparent declension until 1835, when I began to experience a change of feeling, commencing with irregular and inordinate action of the heart. That organ, being evidently enlarged, and its vessels, together with the whole arterial system, suffering great derangement, and producing violent palpitations. During the latter part of that year, and beginning of the next, my disease gained ground to an alarming extent. I became listless, and inactive. My mental faculties seemed obscured in a cloud, and my physical energies so prostrated, that an entire suspension of my regular pursuits became imperious; under these circumstances, I consulted a medical gentleman of great eminence residing in Philadelphia, who, after minute investigation, pronounced my disease *rheumatism of the heart*, and prescribed, as the only means of cure, moderate exercise, meager diet, and a trip to the *Hot Spring*. At this time the symptoms were so severe, as almost to threaten the extinction of life—intense throbbing of the temporal arteries, great debility, and depression of spirits were the characteristic features of my complaint. In the month of July, 1837, I visited the Hot Spring, where I remained thirty days, and experienced

considerable alleviation. I then determined on removing to the Red Sulphur, thinking to test, by my own observations and experience, the high renown of their medical properties, as famed for allaying arterial excitement. Accordingly, early in September, with some agreeable companions, (which formed a great inducement,) I wended my way to that beautiful valley, where health and pleasure seem to dwell as tutelar guardians of the lovely spot. There I determined to remain some days, that I might inhale the invigorating freshness of the mountain air, and luxuriate in the delights of the mountain scenery. And well was I repaid, not only in the happy results of the experiment, as it regarded my health ; but further, as it enabled me to cultivate some valuable acquaintances recently formed, among whom, I am pleased to recognise a physician who evinced no common interest and sympathy in my case. By his advice I remained three weeks, making free use of this health-restoring fluid, and receiving therefrom benefit transcending my most sanguine expectations. During my stay at this Spring, I found each painful and alarming symptom gradually subsiding, and the pulsations of the heart, and greater arteries, decreased from 96 to 72 vibrations in a minute—the throbbing of the head ceased to annoy me, and I had every reason to consider myself convalescent. The last week in September I returned home with renewed health, and invigorated feelings, and am now daily growing better. My usual amount of strength has returned, and I am confirmed in the opinion that the malady under which I had so long labored, and all its distressing consecutives, have been totally eradicated by the free use of the Red Sulphur Water.

"Here, let me bear testimony to the polite kindness of the worthy proprietor of that celebrated watering place, whose unceasing attentions to the wants and comforts of his guests call for high eulogium."

The Red Sulphur water may be used with the most decided benefit in obstinate cases of bowel complaints, gleet, leucorrhœa, catarrh of the bladder, and uterine derangement.

It is not unusual for persons while using this water to pass calculi from the bladder, some specimens of which are in my possession, about the size of common beans. I do not pretend to assert that the water has any specific action on the stone; but, by its powerful diuretic effects, by allaying irritation, and probably by relaxing the urethra, the calculi are washed as it were from the bladder without pain. This fact is worthy the consideration of all persons laboring under calculous affections of the kidneys or bladder.

The general instructions which have been given regarding the mode of using the Red Sulphur Water, may not be considered sufficiently condensed to meet the view of the general reader. I will, therefore, recapitulate the directions. Begin the use of the water with great caution. If the system should be too plethoric, or too much excited, the use of the water should be postponed until the excitement shall be reduced to a proper state. Commence by taking one glass of water at bed-time, and one before breakfast; after a few days, take two glasses at bed-time, and two before breakfast, one at 11 o'clock, A. M. and one at 5, P. M.; this quantity will generally operate freely on the bowels; if it should fail to produce this effect, a little common salt, magnesia, or cream of tartar may be added. If it is desired to act on the kidneys, increase the quantity of water to three or four glasses between a light supper and bed-time, and the same quantity between day-light in the morning and breakfast time, two glasses at noon, and one or two glasses about 5 o'clock, P. M., taking care to exercise freely after drinking. The most proper periods for using the water are, at night before bed-time, and in the morning before breakfast time.

ANNUAL MEETING

OF THE PROPRIETORS OF

HOLLIS STREET CHURCH.

Extracts from the Records.

AT the Annual Meeting of the PROPRIETORS of the Meeting House, in Hollis Street, agreeably to legal notification, on Monday Evening, Sept. 2d, 1839.

Deacon SAMUEL MAY, Moderator.

After the choice of Officers for the ensuing year and the transaction of other business—the following question was submitted to the meeting by Mr. WINDSOR FAY,—

"Whether in the opinion of this meeting, the usefulness of the Rev. JOHN PIERPONT, is at an end or not."

Which was referred to the next meeting—the question to be taken by yeas and nays. Adjourned.

Adjourned Meeting, Sept. 9, 1839.

The question proposed by Mr. Fay, at the last meeting and referred to this, was withdrawn in favor of the following Preamble and vote, offered by Mr. Daniel Weld.

WHEREAS, it is very apparent that from various causes, principally growing out of a wide difference of opinion with regard to the expediency of discussing certain exciting topics, the feelings of a large number of the Society worshiping in Hollis Street towards their pastor the Rev. John Pierpont, have become estranged, and Whereas it is all important that to profit by religious teaching there should be the utmost harmony and union existing, as well as perfect confidence of the people towards their teacher—therefore—

Voted, That however much we may regret, as we certainly do, the existence of any cause, we nevertheless are constrained to say that in the opinion of this meeting the usefulness of the Rev. John Pierpont, as our religious teacher is so much impaired that the connexion between him and this society ought to be dissolved.

The foregoing having been read from the Chair, it was Voted that the sense of the meeting be taken on it, by yeas and nays on written ballot. The Committee chosen to receive, sort and count the ballots subsequently reported the state of the ballot to be as follows :—

Whole number One Hundred and Sixteen.

NAYS - - - - -	58
YEAS - - - - -	56
Blanks - - - - -	2

Voted, that when this meeting adjourn, it be to Monday evening next, Sept. 16th, and that the clerk is hereby instructed to transmit forthwith to the Rev. John Pierpont, a copy of the proceedings of this meeting. Adjourned.

Adjourned Meeting, Sept. 16, 1839.

The clerk, read the proceedings of the last meeting, and stated that he had forwarded to the Pastor a copy of the proceedings of the last meeting, and that he had received the following Communication from him, which was read to the meeting by the Moderator.

To the Proprietors of the Meeting House in Hollis Street.

My Friends,

THE doings of your body, at its adjourned annual meeting, held on the evening of the 9th instant, have been, according to your instructions, transmitted to me by your clerk, and are now before me.

From the document communicated by him, it appears, that, at the previous meeting, on the evening of the 2d of the month, a Vote had been offered by Mr. Windsor Fay, which, at the adjourned meeting, was withdrawn by him in favor of a Preamble and Vote, introduced by Mr. Daniel Weld, nearly to the same effect, to wit, that, in the opinion of the meeting, my usefulness, as the Minister of Hollis Street Society, had become so much impaired, that the connexion between the society and myself ought to be dissolved. The Vote, it further appears, was lost, the ballot standing ayes 56, nays 58, and two blank ballots.

On receiving this communication, the first question that I asked myself was, whether any reply was demanded or expected from me. The vote offered was lost: and by no rules of proceeding, in either civil or ecclesiastical bodies, can the voice of a minority, however large or respectable, be regarded as the voice of the body. And, in the present case, since neither the voice of the whole body of the proprietors was heard, speaking by a majority of their number, nor yet the voice of the still larger body, the worshipping assembly,—which, in cases of this kind cannot be heard at all, however deep may be their interest in the ministrations of the church, or however strong their attachment to its minister,—but only the voice of a minority of the pews represented, however firm and strong that voice might be;—I might not have felt myself called upon to make—perhaps not even justified in making—any reply whatever to the communication of your clerk. But, observing that this expression of the opinion of a large minority was communicated to me by instruction of the majority, and considering the general rule, that a written communication requires a written answer, I have concluded that it *is* your wish that I should make, to the document before me, a reply, that may be acted upon at the adjourned meeting, this evening. This, then, I will proceed to do, as briefly as I can, and as distinctly.

The Preamble and Vote, then, with a vagueness that may well serve as a model for a writer who studies rather to conceal, than to discover his real meaning, and which will not, I think, greatly

enlighten the future Reader of those Records, of which they now constitute a part, as to the specific and real ground of complaint, in this case, are as follows:

"Whereas, it is very apparent that, from various causes, principally growing out of a wide difference of opinion in regard to the expediency of discussing certain exciting topics, the feelings of a large number of the society worshiping in Hollis Street towards their Pastor, the Rev. John Pierpont, have become estranged;—and, Whereas it is all important that, to profit by religious teaching, there should be the utmost harmony and union existing, as well as perfect confidence of the people towards their Teacher;—Therefore

Voted, That, however much we may regret, as we certainly do, the existence of any cause, we nevertheless are constrained to say, that, in the opinion of this meeting, the usefulness of the Rev. John Pierpont as our religious Teacher, is so much impaired, that the connexion, between him and this Society, ought to be dissolved."

That, my friends, is the document to which I feel myself called upon to reply. Some of us—probably not all—know what it means. But it has gone upon the Records of Hollis Street Society, and must go down to the children of our children. Will *they* know? I will do what in me lies to help them; so that, by means of this contemporary paper, while they feel after, they may haply find its meaning. And I will endeavour to make up for the obscurity of that document, by the plainness of this.

The communication before me, then, gives us to understand one thing and not to understand another. We understand from it that there are some subjects, which it calls "exciting topics," which, in the opinion of a large number of this society, must not be discussed in the pulpit; but, we do not understand from it what those subjects are. Here, then, is the developement of a principle, and the concealment of a fact. Against the former I protest. The latter I will try to make manifest.

I *protest*, then, distinctly and aloud, against the principle upon which this document is based:—namely, that there are some subjects which may be interdicted to the pulpit, on the ground that they are "exciting topics;"—for, if this principle is sound, the whole system of christian preaching is unsound, and it cannot stand up, an hour, against the pressure of the principle here disclosed—that "exciting topics" may, by the people, be interdicted to the pulpit. For, what topic, on earth, is so exciting as the religion of Jesus Christ ever has been, when preached either by Jesus Christ himself, or by any one, ever since his day, who has preached it in any thing approaching his spirit?

As I understand it, the province of a "Religious Teacher"—the province, especially of a minister of that gospel which was given for the redemption of all men from all sin, of course comprehends all men and all sins:—that it covers the whole ground of religion and morals:—that, within this province lie all human interests, individual or social, for time and for eternity:—that it embraces all relations of man to man, whether as a constituent part of the church or of the state, with all his duties in either, and

all his obligations to both. I consider that the preacher himself, in regard to all social and civil rights and obligations, stands on the same ground as other men; and that he is as answerable as any other man to his country, his age, and the world, if he does not employ, for their good, whatever power God has given him to bless them; and, THEREFORE, that no topic, in the wide compass of moral science, or religious or social duty should be,—or, without inevitable injury both to themselves and him, *can* be—interdicted by a people to their "religious teacher."

A Pulpit that is *profitable* either to preacher or hearer, must be free:—and, for myself, if I cannot stand in a free pulpit, I will stand in none. If my people do not already know this, it is no fault of mine. The service of God is perfect freedom, and there can be no true service of God where *it* is not.

If I could consent that *any* topic should be taken out of the cognizance of my pulpit, it should be some one that is NOT "exciting." Where there is no excitement, there is—there can be—no progress, among a people; nay, there can be no spiritual life; for, with the soul, as with the body, life itself is a state of excitement. While man lives, either the baser or the better feelings of his nature will be excited, for they must. May no topic be discussed in a pulpit, that will excite the better feelings? And may the baser never be reproved, admonished, or rebuked lest *they* should be excited? Shall the animal be allowed to run away with the man, because, forsooth, he frets and chafes when he feels the bit? It is the very function of the gospel to *hold in* the excited feelings of our lower nature, though they may be, as they probably will be, even the more excited, for the time, by the restraint—"to bring under the body, and keep it in subjection:" —and if this is not done, the gospel is preached in vain.

If, on any subject, pertaining to the well-being of his people, the minister of Christ finds their feelings already excited, and wanting a direction, it is eminently his duty to give them a *right* direction. If they have already taken a wrong direction, it is his duty to show them "a more excellent way," and to put forth his best efforts to set them right. The minister is the moral engineer to his church, which it is his office to direct on the highway to salvation which God has thrown open in the Gospel. To say that, in his ministrations, he is to abstain from all exciting topics, and to handle only those upon which the feelings of his people are cold and dead, is to say that the engineer upon a rail-road is to give all diligence to the conducting of his engine while the fire is out, and the water cold, and *it* is standing still;—but, when its fires are all in a glow, and its steam is up, and its wheels are thundering along their iron track,—that he must not meddle with it *then*, becsuse of its "present excitement."

May men be excited all the week without complaint—in their stores and in the streets, in their business and their pleasures, every where else, and upon every thing else—and yet must they expect to come to church to be lulled to sleep, by the music of a pleasant voice, upon the most exciting topic under heaven—the *way* to heaven, and the preparation for it?

No, my friends, so well do I understand the duty of my office, in this behalf, and so deeply do I feel its responsibility, both to God and to you, that, so long as I hold it, and wherever I hold it, no topic, in my view involving your welfare or my freedom—my freedom,—the first and last condition of my *real* "usefulness to you—shall be interdicted to me, upon the ground that it is,—or that, by so calling it, it can be made—an "exciting topic."

Thus, then, I protest against the principle advanced in the document that I am considering. I protest against it. I do not admit it; and to it I will not "give place by subjection, no, not for an hour." It is for you to say,—and I wish you to say this night—whether you can bear to have me tread this principle under my feet, while I am addressing you. If you can *not* bear this, God *may* show me a people that can.

I have done with this principle. And now, in regard to its application to "certain exciting topics" which, yet, as they stand upon the face of the document under notice, are exceedingly *uncertain*,—allow me to say, that, while, "by the grace of God I am what I am," shall not the consideration that "by his craft we have our wealth, take from the cognizance of any pulpit that I occupy that *most* exciting topic of the present day—the GIANT SIN that I see spreading its desolations around me,—coming into my own flock, and seizing its victims under my own eyes,—and dooming me to witness and deplore their ruin while they yet breathe, and to consign to a hopeless grave their mangled bodies when they are dead.

For, that *this* is THE exciting topic, by way of eminence,—in regard to the expediency of discussing which there is such "a wide difference of opinion between a large number of the society worshiping in Hollis Street," on the one side, and their pastor on the other, THEY know, full well, who, for two successive years, have brought before your annual meetings these complaints relative to "exciting topics," and, by these complaints, have striven —though as yet have vainly striven,—to restain the freedom and over-awe the independence of Hollis Street pulpit. There may be protestations to the contrary of this. Decency requires that there should be. There may be, I know that there are, some few other and ancient griefs, caused by the independence of the same pulpit in years that have long gone by—have gone by themselves,—but have left their griefs still fresh, and promising to be immortal. Attempts may, even, be made to show that the discussion of other "exciting topics" than this has been "the head and front of my offending," at least, to conceal from the eyes of the Christian community, what the main-spring of these periodical movements is. The very document under consideration appears to me to be such an attempt, on the part of those who framed it. But, the passing events of the day, the proceedings of the last year and of this year, the pursuits and interests of those with whom these proceedings originated, throw too much light upon the living and the present, to leave this a doubtful matter. From me, and from many of the proprietors of Hollis Street Meeting-house, who know much less on this subject than I have been *made* to know

and to feel, no language and no silence can "dissemble or cloak" the real spirit that is at the bottom of these waters of strife;—the spirit that is breaking up the peace, and threatening the integrity of this Christian church.

I know that Temperance, though the chief, is not the only exciting topic which has been the occasion of estranged feeling. This I have already admitted. I take no pleasure in again alluding to any other; and would only say that, in the only two discourses in which I am aware of having given offence, I have laid the cause of offence before the world, by the hand of the press; and I await with composure, the judgement that may be passed upon those discourses, by God and good men. I owe it, however, to the parties aggrieved, in each of these cases to say that the grievance consisted not in the doctrine advanced upon any particular "exciting topic, but in the fact that I touched it at all, after I had been told that I must not.

In stirring and sifting times, like these, when the minds of men are acting upon some of the most momentous subjects that ever broke up the lethargy of a servile and sensual age;—when the elements of society, its passions and conflicting interests are so violently shaken together; there will always be minor sources of uneasiness, which tend to disquiet the feelings of fellow worshipers, and to estrange them from each other, or from the leader of their religious services. I am aware that there are, as there ever have been, some such among us,—some small streams of troubled water, finding their way through the pasture where this flock is feeding. But these attract attention, in the present case, chiefly from their having become tributary to the strong current that, at its annual overflow, has drifted into this church the document that I am now laying open to the sun and air:—from having allowed themselves to be sucked into the vortex of the great interest that is adverse to the Temperance Cause. It is for the proprietors to say whether *this church* shall be drawn into the same vortex,—and carried down by it. ——— The Pastor will see to it that *he* is not.

If, now, I may be pardoned in so doing, I would respectfully suggest that, for the grievances communicated to me by my people, both last year and this, there are two remedies. Both are in their hands. *First*, if the individuals aggrieved are still a minority of the society, they may find relief by severally withdrawing themselves from their pews; and, *secondly*, if they are a majority, they may *seek* it by displacing me from my pulpit.

Another course has been suggested to me,—namely, that I should ask you to dismiss me from my office. As an inducement to do so, an offer has been made me, by individuals of your number, of a year's salary. This offer was made, I doubt not, in a spirit of pecuniary liberality, of which, while I have been connected with you, I have never been left without proofs. But however generously this may have been offered by them, it could not be accepted by me in any other character than as a bribe, to seduce me from the path of duty to myself and to my profession. My bread is as important to me, as any other man's can be to him. But, in

the present posture of our affairs, I can be neither begged off, nor bought off. I cannot purchase my bread by listening to any overtures made with a view of inducing me to desert, or to ask to be discharged from, the post at which I am now stationed, as a soldier of the cross, merely because that has become a post of danger and of conflict. And, besides, *I have meat to eat which they* who suppose that peace may be bought with money, *know not of.*

It is for the Proprietors of Hollis Street Church, as a body, to say whether I shall, any longer, hold the place to which, as a body, they long ago called me. Because it chose to do so, the society, as a corporate act, asked me to come. When it shall choose,—to-night *if* it choose—it will ask me to go.

However small my "usefulness," as the religious teacher of the proprietors may have been to them, I cannot but think that the discipline, through which I have passed as their minister, has been very useful to me,—and, at their bidding, I can part from them, and heartily *wish* them peace:—though, I trust that they already know that, in a Christian Church, as in the human soul, *there must be purity before there can be peace.*

I humbly trust, my friends, that He whom, as a minister of His Son, I have served among you for more than twenty years, will still keep me,—as he now sees me—prepared for the result of any action upon the premises, which you may feel yourselves prepared to take.

Very respectfully,

Your friend and servant,

JNO. PIERPONT.

Boston, 16*th Sept.* 1839.

Voted, That the Standing Committee be authorised to have the foregoing documents printed, and that each proprietor shall receive Three Copies to be distributed in the usual manner in the Pews.

Voted, To adjourn this meeting for a fortnight from this Evening, to meet at the same place at the usual hour.

Adjourned.

A true copy from the records,

Attest.

AARON H. BEAN.

Proprietor's Clerk.

September 16*th*, 1839.

PRESS OF CLAPP & SON.
14 Congress Street, Boston.

Hollis Street Church.

Adjourned Meeting, Sept. 30, 1839.

Deacon SAMUEL MAY, *Moderator.*

After the organization of the meeting, Mr. J. CRANE, offered the following Preamble and Vote.

In reply to the communication of the Rev. Mr. Pierpont, of the 16th inst. which appears on record, and which has been published to the world, it is only necessary *now* to say that the conclusion he arrives at, viz: that his zeal in the Temperance cause is "*the head and front of his offending*" *is not true;* and against which conclusion we do now enter our solemn "PROTEST."

We fully believe, from the tenor and spirit of that communication that the breach is so much increased that there is no prospect of a reconciliation, and that while he is with us there will be no "*peace*" in which case our "*purity*" will be endangered—therefore, with our sincere wishes for his future welfare.

Voted, that the Rev. John Pierpont, be and is hereby respectfully requested to take up his connexion as Pastor of Hollis Street Society.

The question being upon the acceptance of the foregoing; was decided by written ballot as follows *:*

Whole number	123
Yeas,	63
Nays,	60

A true extract from the records—

Attest, A. H. BEAN, *Clerk.*

Adjourned Meeting,—Oct. 7, 1839.

Deacon SAMUEL MAY, *Moderator.*

The meeting having been called to order and the proceedings of the last meeting read, the following communication from the pastor was read by the Clerk, and ordered to be printed, together with the vote passed at the last meeting.

Attest.

To the Proprietors of Hollis Street Meeting House.

GENTLEMEN,

THE doings of your body, at its last adjourned meeting, have been duly communicated to me by your Clerk, and are now before me.

In reply, allow me to say, *First,*

From the document before me, it appears that you have declared by a Vote of 63 to 61, that you do not approve, and that you will not sustain the principles of the entire freedom and independence of your pulpit, as those principles have been illustrated in my ministrations.

As, in my last communication to you, I said "If I cannot stand in a free pulpit, I will stand in none ;" I shall, therefore, till the present controversy is closed by a dissolution of our connexion, or till that vote is set aside, continue to supply my pulpit by such exchanges as I may be able to negotiate with my brethren ;—believing that their services will, at present, be more grateful to you than mine.

I reply, *Secondly,* that, in my last communication, I professed myself prepared for the result of any action that *you* might feel yourselves prepared to take. By your second Vote 63 to 60 you ask *me* to take action. For that, I am *not* prepared. In my last, I proposed to you *this* alternative : "If the individuals aggrieved are, still, a minority of the society, they may severally find relief by withdrawing themselves from their pews ; and, if they are a majority, they may *seek* it by displacing me from my pulpit." Your Vote, instead of displacing me, or taking a single step towards displacing me, respectfully requests me to displace myself. The Vote is, "That the Rev. John Pierpont be, and is hereby respectfully requested to take up his connexion, as Pastor of Hollis Street Society." That, in the first place, is not what I proposed to do ; and in the second, it is what, of myself, I cannot do.

For, 1st. my connexion with you is the result of a mutual contract ; a contract in which important interests and legal rights and responsibilities are involved ; and, as it takes two parties to make a contract, so it takes two to un-make it. My connexion, as your Pastor, is one, therefore, that neither party, alone, is competent to "take up," or to break up.

And, 2dly. you will do yourselves the justice to consider

last Letter, did I propose to be. In this analysis of the parts of society, the people have put themselves into the active voice, while the pastor is thrown into the passive. The enterprize of displacing me from my Pulpit is yours. I have work of my own to do ; and have neither the leisure nor the spirit to do yours. If, when you come to take yours actually in hand, you find it an enterprize of greater magnitude than you had supposed, while you looked at it from a distance, you will, surely do me the justice to say that it is a work to which I did not invite you. If "the rowers have brought you into great waters," it seems to me that I am the last man into whose hand you should put the labouring oar, to bring you out.

Nevertheless, seeing that this controversy is not pleasant to me, and that I desire for my own sake, as well as yours, that it should be brought to an end as soon as it can be, with justice to the rights and character of both the parties ; seeing, too, that we are, as yet, afloat upon the same bottom, and have a common interest in saving our ship from total wreck ; I will cheerfully do what in me lies to save the ship, whatever may befal the crew.

To this end, then, we must, first, take an observation ; that we may know exactly where we are.

As, in your movements against me, both last year and this, only the vague and general charge of handling "exciting topics" has been brought against me, without any distinct and specific allegation of offence against any law of God or man, I was left to guess out, as best I might, the riddle of my transgression ; or, to solve the mystery of my iniquity by means of such light as I could get from other sources. Doing my best, with my means, I came to the conclusion, and declared to you and to the world, in effect, that my zeal and efforts in the Temperance Cause was the "head and front of mine offending." This, in the Preamble to your last Vote, you distinctly deny ; and, against the truth of this, my declaring of your annual parables you have entered your solemn protest.

Here, then, Gentlemen, we are at issue. In my Letter, I tendered to you this issue. In the Preamble to your last Vote, you have deliberately, publicly, and manfully taken it. This is the true issue in our case. It is now fully made up. It is ready for trial ; and neither party to this controversy can proceed another step towards the final settlement of it, till this is-

pectfully demand it. Let the party, that shrinks from it stand out before the world where, by so doing, he will place himself, in the judgement of Him who has said ; "Every one who doeth evil hateth the light, neither cometh to the light, lest his deeds should be reproved."

In the proceedings that you instituted against me, a year ago, I forbore to tender to you the issue that has now been tendered and taken. There are witnesses around me who know that "to spare you" I did this ; and that I then entered a dilatory plea, at the suggestion of others, rather than lay open to the world the case as it then stood. For more than six years, individuals of your body have been casting upon my spirit the weight of their rebuke. I have stood under the pressure, and have stood up, while it was the rebuke of individuals only, however heavy were the men that bore upon me. But now, that the weight of your Society, as a body, falls upon me, it shall crush me—it shall grind me to powder—or I will throw it off, forever.

My character, as a man if not as a Christian Minister, is my only livelihood. It will, probably, be my only legacy to my children. Your censures cast upon me, are matters of record in the books of your Society. So shall be,—if I can get it there,—the award of an impartial tribunal, passing its judgement upon your course and upon mine. If *that* condemn me, it shall be a condemnation that neither I can take off while I live, nor my children when I am dead.

As to the bar to which this issue between us shall go up for trial, it is obvious that, as no one is allowed to be judge in his own case, we must agree upon some competent tribunal;—competent alike in the talents and impartiality of the men that compose it. Nothing but the decision of such a tribunal ought to be satisfactory to yourselves, or will be so to me or my friends. If, on this point, you concur with me in opinion, and will appoint a Committee of your body, empowered to make arrangements for a mutual council, before which you will carry the issue that is now made up between us, for trial and final adjudication, there shall be no backwardness on my part, and no unnecessary delay, at any stage of the proceedings, from the time that I receive the first communication of your committee, till the award of our mutual council shall have been carried into full effect.

Respectfully,
Your friend and servant,
JNO. PIERPONT.

Boston, 7th Oct. 1829

HOLLIS STREET CHURCH.

ADJOURNED MEETING.

Monday Evening, *October* 14, 1839.

Deacon Samuel May, Moderator.

THE proceedings of the last meeting having been read, the Committee appointed to take into consideration the Communication last received from the Pastor, submitted their Report as follows :—

THE Committee appointed on the 7th instant, to take into consideration the Communication of the Rev. John Pierpont, of that date, which relates to the difficulties existing between him and this Society, have attended to that duty and beg leave to

REPORT.

That they regret exceedingly that from the stand he has taken, and the exertions he has made to mislead the public with regard to the cause of those difficulties, that it has become necessary to disabuse the public mind by stating facts, which might and would have been given long since were it not for a disposition to "*spare*" him.

It is well known that he was settled as our Minister with the understanding, as in like cases that we should receive his undivided attention ; having, as all will allow an unusually large salary, at least for those days—and while he confined himself to his ministerial duties it is

tion was drawn from those duties by the making of *Books*, and the manufacture of *Stoves*, and *Screws*, and Razor Straps—and by his entering into *every* exciting topic that the ingenuity of the fanatic at home, or the imported Mountebank could conjure up to distract and disturb the public mind, such as *Imprisonment for Debt*, the *Militia Law*, *Antimasonry*, *Phrenology*, *Temperance*, and last of all, and above all, the *Abolition of Slavery*, a question which threatens more than all else the destruction of our Glorious Union, it would be wonderful indeed if his people were made of such materials as to sit quietly and tolerate such *freedom*. We believe, that if the public were to decide the question, it would say, at once that no man could follow all these occupations and attend, night and day, to all these subjects, and still be a faithful Minister of the Gospel.

It will be recollected by those who heard him, that in the last sermon he delivered previous to his departure for Europe for the restoration of his health, he admitted that his zeal and efforts in extraneous subjects, had nearly cost him his life; that he acknowledged the great liberality and kindness of his society in granting him leave of absence and raising funds for the accomplishment of his object, and stated unqualifiedly, that if God spared his life to return, *that* life should be devoted to his people. Of the manner in which that pledge has been redeemed his people can be the only judges. But further; as late as September of last year, in a communication made to a committee raised to confer with him upon his duties, he says, "If I have entered too earnestly or too exclusively into a few topics that, from circumstances in which in these days we are all called to act, have become particularly "*exciting*" to the neglect of others equally important and more peculiarly within my own province, it cannot be to my people a matter of deeper regret than it is to me; and I shall *faithfully endeavour to recall* all undue attention from the former topics, and confine to the latter what they may rightfully claim." Perhaps "*decency requires*" that we should not say that this is "a vagueness that

may well serve as a model for a writer who studies rather to conceal, than to discover his real meaning," but we *will* say it is either *meant* to be ambiguous or he has changed his mind,—for he now says he will stand in a *free* pulpit or none.

With regard to the published sermons to which he alludes, we will only say, and we say it without fear of contradiction, and we say it too without meaning to call his veracity in question, that they do not contain all that was delivered—nor can the public generally judge of the *excited manner* which often leads him to promulgate sentiments which he afterwards forgets he ever uttered.

We trust that the Society in Hollis Street, as a body are too well known to make it necessary to vindicate their character against the charge of laying upon their Minister, without cause a "heavy weight of rebuke." That he has been often admonished it is true, and by "*individuals*," who have been even more lavish in their contributions for his relief than in their admonitions for his reform; and which contributions were received without a *word of complaint* and without asking the question whether they were or were not obtained by, or were the fruits of "*felonious*" dealing.

To the proposition for choosing a Council we object, there being in our opinion nothing for such a tribunal to settle. Mr. Pierpont, in his communication under date of the 16th September last, says,—"It is for the Proprietors of Hollis Street Church, as a body, to say whether I shall, any longer, hold the place to which, as a body they long ago called me. Because it chose to do so, the Society, as a corporate act, asked me to come. When it shall choose, to-night *if* it choose—it will ask me to go."

We have in respectful terms made that request, with which he refuses to comply. We are therefore left with the only alternative, of giving him a dismission, believing it to be our imperative duty, which we have been told we should always do "*regardless of consequences.*" The Committee, therefore, offer for

consideration, the votes which are herewith appended. All which is respectfully submitted.

JOSHUA CRANE,
RICHARDS CHILD,
WILLIAM W. CLAPP,
} COMMITTEE.

VOTED,—That the Rev. John Pierpont, be and is hereby dismissed from the Pastoral care of the Society worshipping in Hollis Street, and that the connexion between him and this Society is hereby dissolved.

VOTED,—That provided the Rev. Mr. Pierpont acquiesce in the foregoing vote, a sum be granted him equal to his salary up to the first day of March next, which the Standing Committee are hereby authorized to pay.

VOTED,—That the Standing Committee, and the Deacons of the Church be authorized to supply the Pulpit with suitable Ministers for such time and upon such terms as they may think proper until otherways directed.

VOTED,—That the Standing Committee be empowered to call a meeting of the Society whenever they may think proper.

After the foregoing had been read, Mr. E. Jackson submitted the following Minority Report.

The minority of the Committee, believing that there is but one proper course to pursue for those who wish to dissolve the connexion now existing between the Society and its Pastor, and that, that course was distinctly pointed out at the last meeting by the preamble and votes offered by Mr. BOYD, and which are now before the meeting, decline offering any counter report for the consideration of this meeting, but content themselves with protesting as they now do, against the report of the majority of the Committee and the measures they recommend—leaving the responsibility of any such course with those who may choose to take it.

EDMUND JACKSON,
Oct. 14, 1039. JAMES BOYD.

After considerable debate it was

VOTED,—That the two reports presented to the meeting this evening be printed, and that Three copies be left in each of the Pews.

VOTED,—That this meeting adjourn for Four weeks from this evening, to meet at the usual place at 6 o'clock.

Adjourned till Monday evening, Nov. 11th.

Attest, AARON H. BEAN, *Proprietors' Clerk.*

PROCEEDINGS OF A MEETING

OF

FRIENDS OF REV. JOHN PIERPONT,

AND

HIS REPLY

TO THE

CHARGES OF THE COMMITTEE,

OF

HOLLIS STREET SOCIETY.

OCTOBER 26TH, 1839.

BOSTON:

PRINTED BY S. N. DICKINSON,

52 WASHINGTON STREET.

PROCEEDINGS.

At a meeting held on Friday evening, the 25th inst., of Proprietors of Pews in Hollis Street Meeting House, friendly to the Pastor of said Church, in the existing controversy between him and a portion of the Society, the following statement was made:

The minority of the Committee of Hollis Street Society, who, on the 14th inst., protested against a "Report" made by the Committee of which they are members, take the present opportunity of informing their brethren now assembled, of certain proceedings which they have thought it their duty to pursue and instigate, during the present week.

For reasons therein set forth, they addressed a letter to Mr. Pierpont, a copy of which, together with his reply thereto, is now submitted. This reply is so full and so conclusive in the view taken of all points and charges made in the "Report," that the minority can see nothing left for them to say or do, other than to bring it before the Society in a respectful and proper manner; and, therefore, avail themselves of the present meeting of the friends of Mr.

Pierpont to ask their counsel as to the best manner of accomplishing that object.

The first intention of the minority was, to be prepared to submit their further views to the adjourned meeting of the Society on the 11th Nov.; but, that time being somewhat remote, and the "Report" having already gone abroad through the newspaper press, the question has arisen, whether justice does not require that an earlier opportunity should be availed of, by which our Pastor should be heard in his own defence.

After the above statement was made, it was

Resolved, That, in the opinion of this meeting, the time has arrived when it behooves those members of Hollis Street Society, who are friendly to their talented and excellent Pastor, Rev. John Pierpont, to let their voice be heard by the public.

Resolved, That this meeting approve of the course pursued by the minority of the Committee, whose Report was made on the 14th inst., as well in regard to the Protest they promptly entered against said Report, at the time, as in their recent preparations for a defence of our Pastor and an unshackled Pulpit.

Resolved, That as the "Report," alluded to, has already gone to the public through the Newspaper press, and, as we believe, at the immediate instance, certainly with the previous approbation of the Chairman of the Committee, who made that Report, it is

therefore necessary and expedient, as a matter of self defence, that the communication of Mr. Pierpont, now laid before this meeting, should be also placed before the Society and the public as soon as possible.

Resolved, That Messrs. Edmund Jackson and James Boyd, be requested and authorised to have printed, without delay, the proceedings of this meeting, and the correspondence laid before it; and that two copies thereof be placed within the reach of each family worshiping in Hollis Street Meeting House, on Sabbath next, if possible. Also, that such other means be adopted for its circulation, before the public, as may seem necessary to carry it as far as the Report has gone before it.

Resolved, That Messrs. Francis Jackson and John J. May, be a Committee to report, forthwith, a statement of the number of individuals who cast the 63 votes, constituting the majority voting against Mr. Pierpont, on the 30th Sept., distinguishing those who are worshipers in Hollis Street Meeting House, from those who are not: also, a statement of the number of individuals who cast the 60 votes constituting the minority, on the same occasion, distinguishing, as before: also, the number of families who worship in Hollis Street Meeting House, the heads of which are not pew owners, and, consequently, have no vote in Parish Meeting.

Resolved, That we will continue to use all honorable means within our power, to sustain the Rev.

John Pierpont against the unholy attack contained in the Report; and also in the continued possession of a Pulpit, to which three fourths of the worshipers in Hollis Street Church believe he has been an ornament and an honour, as well from the kindness, urbanity and piety of his private ministrations, as from the exalted talents and independence displayed in his public services.

In reply to the 5th Resolve. The following Report was submitted.

Of the 63 votes cast against Mr. Pierpont, there were 46 cast by 33 worshipers, and 17 by 10 proprietors who are not worshipers at present in Hollis Street Church.

Of the 60 votes cast in favor of Mr. Pierpont, there were 56 cast by 48 worshipers, and 4 cast by 3 proprietors who are not worshipers at present in Hollis Street Church.

Besides these we find that there are about one hundred and forty families who receive Parochial attention from our Pastor, most of whom are regular worshipers in the church, and *all* such are supposed to be friendly towards Mr. Pierpont, or they would not be found as a portion of the worshiping society.

FRANCIS JACKSON,
JOHN J. MAY. } *Committee.*

Resolved, That the above report be printed with, and as a part of, the proceedings of this Meeting.

SAMUEL MAY, *Chairman.*

CHAS. WHITE, *Secretary.*

BOSTON, OCTOBER 21ST, 1839.

DEAR SIR,

We herein enclose to you a copy of a "Report" made by a Committee of "Hollis Street Society" to its constituents on the 14th inst., which lies over for action at an adjourned meeting on 11th Nov. Of that committee, we are members, but not participators in the "Report," as you will notice by the "protest" annexed thereto; but, thinking it might be our duty as a minority, to take some further notice of this rather extraordinary document, we have concluded to refer to yourself for some information on some points there noticed; wishing also to know whether you can make or wish to make any defence against charges therein contained against you.

We presume this "Report" is intended to be regarded as containing a specification of the charges which your opponents in Hollis Street Society have repeatedly said were in their minds against you, but which never before were put into a tangible shape; and as such, we wish to draw your attention to them. Had the Society consented to adopt your suggestion, that of submitting all the matters of grievance to a mutual council, you could then have had an opportunity of meeting these or any other charges, in the customary manner; but, as the majority of the committee advise against any council, it is to be supposed

their advice will prevail. Whatever you see fit to write in reply to this communication, may possibly be used by us in two ways; one, as an argument against the adoption of the "report" by the Society, and, another,as a means of defending your character against an attack, which we think has not justice to support it. You will please permit us to use it, in whole or in part, in the above-mentioned manner, or any other, according with whatever opinion circumstances hereafter to be developed may force upon us, it being impossible now to know what the intervening time, or the next meeting may bring forth.

We might easily point out passages in this "report" to which we would *particularly* draw your attention, but, the whole being before you, and our desire being to elicit truth and light, we think it better that you should use your own judgment in selecting such parts as may appear proper subjects for your notice.

Very Respectfully

Your obed't serv'ts,

JAMES BOYD,

EDMUND JACKSON.

To Rev. John Pierpont.

BOSTON, Oct. 22, 1839.

To Messrs. James Boyd and Edmund Jackson, } *Minority of a Committee of the Proprietors of the Hollis St. Church.*

Gentlemen:—

Your note, under date of yesterday, is this moment received. I thank you for it, and for the information it contains, as well as for the copy, that accompanies it, of the printed Report of the Majority of the Committee of which you are a minority.

I reply, promptly, and I will do it as briefly as I can; and, although you are aware that a reply must, in the nature of things, be longer than the complaint, or attack, I will do my best to relieve you of weariness in this, my defence, by making it as entertaining as I can, consistently with the decorum of my profession, and the grave character of the charges to which, in your judgment, as well as my own, I am called upon *thus* to reply.

I say, "called upon *thus* to reply." For, it seems that, instead of going with me before an Ecclesiastical Council, mutually chosen, and competent, and empowered to settle fully and forever all matters of complaint, in this case,—which is the course that I counselled my people to follow, and even demanded that they should follow,—the only course by which

their object, the extrusion of me from my pulpit, could or can be obtained—the majority of your Committee have reported, rejecting my proposal,—and that, on the extraordinary ground that there is, in their "opinion, nothing for such a tribunal to settle;" and now, without my knowledge or consent, before, yes, three weeks before the Society can act upon their Report, either to accept or reject it, they have thrown it out before the world through a secular print, and an appeal is thus made, in an ecclesiastical case, not to an ecclesiastical tribunal, but to that of the Sovereign People.

Very well, gentlemen of the majority, since ye have appealed unto Cæsar, unto Cæsar shall ye go. I stand with you, now, at the tribunal before which you have thus summoned me; and, gentlemen of the minority, I answer through you, and the daily press.

You speak of this Report, gentlemen, as a "rather extraordinary document." It seems to me that the manner in which it has been brought under my notice is not less extraordinary. To say nothing of a defendant's rights, in civil and criminal cases,—even in courts martial, where merely the *life* of the accused is in question, the party in peril is always officially furnished with a specification of the charges against him; and he is allowed time to respond to them. But in this case, where not the life of a man may be taken by rifle or rope, but his *reputation* is to be shot at in a volley from a platoon of three,

while all the world are to be lookers on and hearers of the "Report;" he is not officially made acquainted with the nature of the *charge* before it is let off. Neither do the Proprietors instruct their clerk to communicate to the culprit the bill of his indictment before they endorse it as a "true bill,"—nor have the Committee the courtesy or the grace to communicate with him at all, before their "bill of particulars" against him is given to the world, through the columns of a "Commercial Gazette."

But, as I am not plaintiff in this case, I will no more complain.

The majority of the Committee, then, say that in regard to the difficulties between the Proprietors of Hollis Street Church, and their pastor, "it has become necessary to disabuse the public mind by stating facts." What is the first fact that they state?

"It is well known," they say, "that he was settled as our minister with the understanding, as in like cases, that we should receive his undivided attention."

Denied. There was never such an understanding, either in my case, or in any one of the thousand and one "like cases." Where is the proof of any such understanding between my people and myself? In their call? In my letter of acceptance? Let them both be shown. When was it ever understood, till now, by this Committee, that any specific portion of a Christian community was to receive the undivided

attention of a Christian Minister? That his family was to receive no attention—society none—his country none—Christianity in other states, and other lands none? The assertion, that such an understanding is well known, is false in fact. Had there been such an understanding, or agreement, in fact, it would have been void; first, because of its essential absurdity, and, secondly, because its fulfilment would have been impossible. A jewel of a Christian minister must he be indeed, whose efforts and influence should never extend beyond the walls of his own church, and the firesides of his own families!

Again—"while he confined himself to his ministerial duties, it is believed that no fault was found."

How long, even according to this, was I faultless, gentlemen?—The very first summer of my ministry I was placed upon the School Committee of Boston. I held the office between seven and eight years consecutively, and, after an interval of many years, I held it again during the very last year. An old offender truly! Between eight and nine years have I been in the transgression of a School Committee man; giving no small share of my "undivided attention" to the duties of that office, especially during the years that I acted as Secretary of the Board. I hope my fellow citizens will, in the language of an apostle, "forgive me this wrong," especially as I have determined that, till I see good reason, I will offend in like manner no more.

"But"—continue the majority of your Committee, and here I pray you to stand respectfully aside, till the train of my iniquities shall all have passed in review,—"But, when his attention was drawn from those duties by the making of *Books*, and the manufacture of *Stoves*, and *Screws*, and RAZOR STRAPS—and by entering into every exciting topic that the ingenuity of the fanatic at home, or the imported mountebank could conjure up to disturb and distract the public mind, such as *Imprisonment for Debt*, *the Militia Law*, *Antimasonry*, *Phrenology*, *Temperance*, and last of all and above all, the *Abolition of Slavery*, a question which threatens, more than all else the destruction of our GLORIOUS UNION, it would be wonderful indeed if his people were made of such materials as to sit quietly and tolerate such *freedom*."

There, gentlemen, they have all gone by. So now let us put on our hats again, and our spectacles, and let us look, *seriatim*, at this terrible phalanx of offences. Books are in the van; and the "Patriarchal Institution" is the rere-ward.

No. 1. "Books." I have made some books, principally School-books, for the use of my own children, and those of my parishioners and fellow countrymen generally. To this charge I plead *guilty*. The question of my offence, in this behalf, "is enrolled in the capitol," where the records of the copy rights repose. Let my brethren in the Christian Ministry take warning! Let them make no books,

for the rising generation or the risen ; lest, peradventure, there be such a "Battle of the Books" around them, that their pulpits shall tremble under them with the shock! As a token of my own penitence for this sin, let me inform the public through you, gentlemen, that my School-books are, all of them, published by Mr. D. H. Williams, No. 6, Water Street, where "the trade" may be supplied on reasonable terms.

No. 2. "*Stoves.*" *Not guilty!* To this I plead, in abatement, what, in law, is termed a *misnomer*. I have made no stoves ; not even a stove, nor have I procured any to be made.—A *Fire-place* I did devise some ten or a dozen years ago, for the burning of anthracite. And allow me here—as I have no pecuniary interest in it—to recommend it to yourselves or your friends, who wish to make themselves and families comfortable in the approaching cold weather. It is called "the Doric Fire-place," and may be had at Bates's, No. 14, Dock Square. Should any one desire to know its qualities, I have great confidence in referring him, for a recommendation of it, to Mr. Clapp, the last named member of the majority of your Committee, who purchased and has used it in his own house. I do not say, with Job, that "he has been warmed with the fleece of my sheep;" but I do say that he has been warmed by means of my fire-place ; and it seems to me rather unkind in him, after thus being an accessory to my "felony"

after the fact, to arraign me thus for committing it. I would ask him if it be not worthy of an essay in the moral department of the Evening Gazette, to demonstrate how much less culpable, in a moral point of view, it is, in him, to buy and use that which it was wrong in me to make, and then complain of and prosecute me for having made it, than it would be, in any neighbor of his, to buy that which it is unlawful to sell, and then complain of and prosecute the seller for having sold it.—And, while he is doing this sum in moral arithmetic, I will go on to

No. 3. *Screws.* This, I suppose, refers to some aid which, by counsel or otherwise, I rendered a brother of mine several years ago, in bringing to perfection a machine for the manufacture of that useful article, the wood screw. I cannot speak, but with sadness, upon this subject, notwithstanding its connexion in this indictment. The waters of Lake Erie closed over my brother, while his machine was incomplete,—and his enterprise and his life were lost to the world together. I hope, gentlemen, that both yourselves, and the public will excuse my going more into detail on this head; not because I fear a scrutiny, which I challenge the bitterest foe I have on earth to institute and follow up, but because of the incongruous emotions that I cannot but feel, when the image of a drowned brother swims between me and those who are striking at more than my life.

No. 4. "Razor-Straps," in capitals! *Guilty*, in part, and, in part, *not guilty*. Not guilty of manufacturing Razor-Straps, in the plural, but guilty—singularly guilty—of helping make one Razor-Strap.

Some "fourteen years ago," with the help of an ingenious book-binder of this city, Mr. Charles A. Wells, and of a cunning workman at the lathe, whose Russian name has dropped out of the meshes of my memory, whose unfaithfulness to some of its trusts is not forgotten by the majority of your Committee, I succeeded in constructing a Razor-Strap for my own use. It was my only offence, in this behalf. It happened, however, to approve itself in the eyes of a clever artizan or two, who have constructed others after the similitude thereof; to the great comfort, no doubt, of sundry worthy citizens who choose to trim their own beards, rather than entrust that critical operation to a barber's hands; till now, peradventure, the article has increased, and is multiplied; yea, and in different forms and qualities, hath replenished the land. But, gentlemen, how could I help that? I could not find it in my heart to go forth upon a crusade against all my fellow creatures who wished to shave as comfortably as myself. And now, forsooth, the evil has become inveterate, and has grown into matter of impeachment in the eyes, yea, and in the hands, of a Committee of Hollis Street Society. May their own beards be taken off by the aid of something more to their satisfaction,

than the razor-strap that, in an evil hour, I helped make, for the comfort of my own toilet!

Here endeth the catalogue of my mechanical transgressions. But, had your colleagues, gentlemen, done me the favour to call upon *me*, for further information, had they even referred to the Records of Hollis Street Society, the catalogue might have been still more extended. I once applied a little of my small measure of astronomical science to the unministerial office of drawing a meridian line, for the use and behoof of a venerable parishioner who was curious in regulating his own watch. Nay, I even made the instrument that enabled me to perform this office. The Records of Hollis Street Society will show that, by the Society itself, have I been led into temptation, to depart from the cure of my people's souls, in devoting some time and thought to the comfort of their bodies. They placed me, more than two years ago, at the head of a committee to devise and recommend a plan for warming their house of worship. My Report is, I conclude, upon the files of the Proprietors' Clerk, and might have been profitably consulted by a Committee whose office seems to have been to seek occasions against me. Nay, some years ago, observing that the health of one of my parishioners was sinking under the confinement and cares of his business, I urged upon him the necessity of recreation, in change of scene, and exercise in the country air; commending to his attention, especial-

ly, the marshes and fishing streams of Sandwich. So earnestly did I press this upon him, that he yielded to my counsel. He went, and was healed. I doubtless owe it to the christian forbearance of the Chairman of your Committee,—who was the patient in this case,—that I am not charged with dabbling in medicine, as well as in mechanics!

But, gentlemen, seriously, I feel myself humbled, when I see men who have for years been parishioners of mine, finding fault with me for trying to do some good, to some body, while I am taking that bodily exercise which I know, and they ought to know, is an indispensable condition of health, and of the vigorous exercise of the mental faculties. No doubt it would all be well, were I to stand in my library, by the hour together, and swing dumb bells; though in that exercise no mental power of my own would be called into action, and no other child of Adam benefited. But, if any thing useful results from my hours of physical exercise, then rises a clamor against me, and my delinquencies are obtruded upon the public ear by those who, for other reasons, hate me. Gentlemen, let me tell your associates through you, that I have answered this section of their charges, more for their sakes than my own. I contemn their charges. I pity the malice that, when it could find no worse, is so weak as to take up with *them*. Ill would it have fared with the Apostle to the Gentiles, had disciples like these

caught him at his tent-making! Hard would it have gone with "the Carpenter, the son of Joseph," had they found him sweating at his bench!—Gentlemen of the majority, I plead to your jurisdiction. Your authority to call me in question in these matters I do not recognize. "Jesus I know; and Paul I know;—but who are ye?"

Having disposed of the *mechanical* offences with which I am charged in the Report of the majority of your Committee, I proceed now, gentlemen, to the consideration of those which are more strictly of a *moral* nature, in that they relate to moral subjects, and to the moral and social interests of the community.

I am charged with "entering into *every* exciting topic that the ingenuity of the fanatic at home, or the imported Mountebank could conjure up to distract and disturb the public mind, such as *Imprisonment for debt*, the *Militia Law*, *Anti-Masonry*, *Phrenology*, *Temperance*, and last of all, and above all, the *Abolition of Slavery*, a question which threatens more than all else the destruction of our Glorious Union."

No 1. *Imprisonment for Debt.*—More than eighteen years ago, I preached in my own pulpit a discourse against this abomination, which gave offence to some of my people. They thought that a minis-

ter of Him who was sent "*to preach deliverance to the captive, and the opening of the prison to them that are bound*" had nothing to do with the laws by which, in a christian land, the debtor was bound in prison.—So long ago as that, I did not, it seems, confine myself so strictly to my "ministeral duties, that no fault was found." That offence is not forgotten yet, though the parties chiefly affected by it, are all in their graves. That offence is felt to this day, in the ballot box of the Proprietors. Perhaps it will never be forgotten of men.—May it never be, of God!

More than ten years ago, too, the citizens of Boston, assembled in Faneuil Hall, gave ear to my words, in a speech of more than two hours, upon the same subject. Would God that those words might ring forever in the ears of men. May my own ears ring with them when rehearsed in the Day of Judgment!

No. 2. *The Militia Law.*—More than eleven years ago I preached a Discourse before "the Ancient and Honorable Artillery Company." Of its merits I do not speak. It was given to the public at the time, in pamphlets and through the newspaper press. To show how heartily I repent of having preached and published it, I will only remark to you, gentlemen, that I have several copies of the second edition on hand, which I will furnish with *pleasure*, and that gratuitously, to either of you or

your friends. By the ballot box of the Proprietors of Hollis Street Church, that Discourse is still "freshly remembered."

No. 3. *Anti-Masonry.* I know of nothing that, in reason, should prevent the first named member or the last, of the accusing Committee, uniting in this charge against me. But that the middling member should have been consenting to my death, on account of my "anti-masonry," is not a little surprising. "Et tu Brute!"—(Let not the gentleman understand me here to call him a *brute.* It is the Latin exclamation of the dying Ceasar, when

"the well beloved *Brutus* stabbed.")

That so zealous an anti-mason as was this gentleman at that time, should so far forget his old sympathies as to put his name to a charge like this against me, is certainly what I did not expect.—

—'Tis strange, 'tis passing strange!
'Tis pitiful, 'tis wondrous pitiful!
I wish he had not done it.

My offences under this head however, have been few and far between. For even those few, may I not find forgiveness in the eyes of the most wealthy of all my parishioners—a man whom I love for his many excellent qualities, whom I honor for his integrity, to whom I can never cease to be grateful for his pecuniary liberality to me—liberality for which I can make him no return but professional fidelity to him and his—may I not find forgiveness in his eyes

for this offence when he considers that it was he who furnished my table with anti-masonic books, and sent daily to my door the light that broke forth from the anti-masonic press? Will not the very gentleman who, at the second meeting,—the first adjourned—of the Proprietors, last month, introduced the Preamble and Vote which became the basis of all the subsequent proceedings against me, show me some little pity, in respect to my sin of anti-masonry, when he remembers, if he can remember, who it was that waited upon me, in anti-masonic days, with a request that I would open with prayer an anti-masonic Convention;—and who it was that, on returning the manuscript, which he had borrowed for perusal, of the only anti-masonic sermon that I ever preached, left in my hand a valuable token of his approbation? Yet the hands of both these gentlemen are now against me; and if we are to believe the Report of your Committee, gentlemen, one of my grave offences is my *anti-masonry*.

No. 4. *Phrenology*. The Report under consideration speaks of "every exciting topic that the ingenuity of the fanatic at home, or the imported Mountebank could conjure up to distract and disturb the public mind." If one were asked which, of all this list of exciting topics, have been produced "at home," and which are of foreign origin, he must answer, "Imprisonment for debt" is domestic. "The Militia Law" is domestic. "Anti-masonry"

is domestic; "Temperance," certainly domestic;—"Abolition of Slavery," domestic. Phrenology is, then, the only one of these topics which is clearly an imported article. And is any thing, or any man, the worse, or the better, for being imported? The first Bible that was ever read in New England was imported. Christianity itself was imported. I know that it is fashionable in some circles to laud, and run after, as in some parties it is customary to condemn a man, because he is a foreigner. If he be a philosopher or a philanthropist, it is a reproach that he is a foreigner. If an adventurer or a man of fashion, the same consideration is his passport to "good society." But the reason or propriety of this, in either case, I have never been able to see. To me it seems that the true question is, not, *Whence* is the man? but *What* is the man? Does the last named member of the majority of your Committee, as an Editor, think the less of his "Intelligence," because it is imported? Does the Chairman, himself, think the worse of his Russia or Swede's Iron, because it is imported?—If he does, I may, for the same reason, think the worse of my mental philosophy. I am sure, gentlemen, that the first named of the minority of two, whom I now address, is not deemed by his fellow worshipers as the less worthy of being placed upon their most important Committees, because he was imported; nor do his fellow citizens, in this city of his adoption, regard him as the less qualified, on that account, to

represent their interests in the Legislature of this Commonwealth.—I know not why even an "imported Mountebank" may not be as good as a native. Shade of the lamented Spurzheim! forgive the man who thus dishonors thee. Dishonors *thee?* No, no man can dishonor any other than himself. Thou wast honored in thy life as few in this land have been. Thou wast honored in thy death and thy funeral obsequies as, in this generation, no other man has been. The munificent merchant of Boston who gave thy bones a resting place in the sacred shades of Mount Auburn, and placed over them that beautiful copy of the tomb of Scipio, was content to cut thy name upon its front, as thine only epitaph; feeling that wherever science was honored or philanthropy loved, no other could be needed. It was left for the Chairman of a Committee of Hollis Street Society to express his own views of thy philosophy and thy worth; and, under the name of "Spurzheim," he writes, "THE IMPORTED MOUNTEBANK!"

Yes, Gentlemen, I *have* entered, somewhat, into the "exciting topic" of Phrenology. I was a hearer of Dr Spurzheim; and have since been, and mean again to be, a hearer of the Lectures of George Combe. To these two "imported Mountebanks" I feel myself more indebted for instruction in the philosophy of the mind, and upon the conditions of the healthy manifestation of the mental powers, than to all other men, living or dead. If, in attending to

their instructions, spoken or written, I have myself been a loser, if, by my attention to phrenology, I have palsied my intellect, and weakened my powers of manifesting mental action, *they* shall have all the advantage of my weakness who have dragged me into this controversy with themselves, and the people of my charge.

No. 5. "*Temperance.*"—*Guilty, guilty, guilty!*—On this count, gentlemen, I shall make no defence. *Nolo Contendere*: I will not contend with my adversaries. I would gladly make full confession of *all* my offences, in this behalf, but that "how great is the sum of them!" Sundays and week days, by daylight and candle light, by lamp light and moon light; "at sundry times and divers manners," in sermon and in song, in prose and in poetry, in rhyme and blank verse; in conventicles and conventions, in city and country, on both sides of the Alleghanies and both sides of the Atlantic; in pulpits heterodox, and in pulpits orthodox; in stage coach and steamer; in winter and summer; by petition and persuasion—chiefly by "moral suasion," have I labored on this "exciting topic." My trespasses on this score should be laid with a "*continuando*;" for I have continued, and hope to continue them. In the language of the psalmist, "I acknowledge my transgression, and, this, my sin, is ever before me."

But this is *not* "the head and front of my offending:" so says the Proprietors' solemn "PROTEST" of Sept. 30, 1839. [4]

O, no. When, just before the annual meeting, six years ago, and just after the effervescence in the society, occasioned by the publication of a very imperfect, and in some points false, Report of an Address that I had made, that summer, at Saratoga, the wealthy and venerable man whom, under the head of "Antimasonry," I spoke of as my benefactor, called upon me at my own house, upon the subject of the excitement produced by the Report of that Address; and, when, after calling his attention to a particular case of ruin wrought by rum in one of the families of my parish, and saying to him, "Sir, on this subject I can *not* hold my peace, come what may;" he replied to this effect—"Well, I hope you will touch the business as gently as you can, seeing how many of your people have supported their families by it:"—the main spring of movement, at that time, in the interest that he came to represent, was not, forsooth, my course in regard to the Temperance Reformation, but my having, some six or eight years before, constructed—the Doric Fireplace!

When *at* the annual meeting, the same year, the same great Distiller of New England Rum, who, at the first meeting this year, began the present movement, introduced a motion that my salary should be reduced five hundred dollars; it is not to be believed that he was moved thereto by my course in regard to the Temperance question, but by what I had said, twelve years before, about—"*Imprisonment for Debt*"!

When, at the first annual meeting last year, the votes were introduced, expressing the regret of "many members of the Society" for my zeal in "those exciting topics which divide and disturb the harmony of the community;" and their belief that I was not warranted "as a christian minister in interfering with the established laws of the land"—those votes could not possibly have had any reference to the Suffolk County Memorial to the legislature of this Commonwealth, praying for an alteration of the old laws licensing the sale of ardent spirits, which Memorial I plead guilty to the charge of having written;—nor, yet, could they refer to a petition to the legislature that went up from our House of Correction, that the dram shops of the Commonwealth might be no longer protected by its laws, which petition I also wrote for the signature of the inmates of that prison-house;—no, those votes could not have referred to that interference of mine with the Anti-License Law of 1838, although they are now on the files of Hollis Street Society, in the hand writing of one who, though a proprietor, has not, for six or eight years, been a worshiper in Hollis St. Church, but was then and now is largely concerned in the traffic in liquors, and was even a leading member of a Committee of Grocers then lately organized for the avowed purpose of defeating the law just mentioned. That serious movement against me could not have had its origin in my course and efforts in regard to

the "Exciting topic of *Temperance;*—but must have arisen entirely from my interference, years before, with—"the *Militia Law.*"

When one member of the Committee that, in pursuance of those votes, was appointed, and waited upon me, to confer with me upon my duties in relation to the Society, in the discharge of his commission, and in direct and exclusive reference to the business most likely to be affected by the present Anti-License Law, said to me—"Sir, the people at this part of the city are a business people. They pay as they go along; and, if you don't let them alone, they won't let you alone;"—he could not have meant that my zeal in the Temperance cause was "the head and front of mine offending," but, my not letting my people alone in the business of *doing military duty*, and *imprisoning other people for debt!*

When I am officially informed that the Preamble and Vote which constitute the basis of all *this* year's action against me, were introduced, at the first adjourned meeting, by one who is, and, for a long business life, has been engaged in the traffic in intoxicating drinks; the solemn "Protest" of the proprietors forbids me to suppose that he feels that the profits of his business have been, or will be, affected unfavorably by my zeal in the Temperance Cause; and it gives me to understand that his efforts, to displace me from my pulpit, are all prompted by his abhorrence of—"*Phrenology!*"

When, a few months since, three pews in Hollis Street Church were sold by auction, for taxes, and were all bought up by three distillers, one of whom was not, is not, and never has been a worshiper in the Church; and, thus, three more levers were applied to the work of prying up my pulpit; it cannot be supposed that this was done because the rum interest wanted *levers*, but because it did *not* want —"*screws.*"

When, at the first meeting this year, Mr. Windsor Fay submitted to the Proprietors the question, "Whether in the opinion of this meeting, the usefulness of the Rev. John Pierpont is at an end or not?"—What could have induced him to bring forward such a measure, in so parliamentary a form? He has not been a worshiper in Hollis Street Church, for the last ten years. He was not present, then, a year ago last summer, when, speaking of American influence upon Asia, where I had previously been,—influence upon the civilization and faith of Mahometan countries, through the medium of our commerce and missions,—I adverted to the fact that casks of Rum, bearing the Boston brand, might be seen lying on the wharves of Smyrna, and was led to inquire whether, if one of our merchant vessels carries missionaries to Asia in the cabin, and New England Rum in the hold, the influence of the New World is, on the whole, a blessing to the Old, if with our religion, she takes our rum; and, when, in order to

lead my people to a just decision on this point, I proposed to them from the pulpit, the question which, through you, gentlemen, I now seriously propose to my countrymen from the press—Whether is nearer the Kingdom of God, the sober believer in Mahomet, or the drunken believer in Jesus?—No, gentlemen, the prime mover—as of record—in this year's action against me, was not present to hear this question. But by some one, the question was reported; probably by one of those "birds of the air," which Solomon assures us "shall carry the voice," when one curseth the King. Nevertheless, if we are to believe the "Protest" of the Proprietors, none of those sayings disquieted the wealthy distiller. As he mused the fire burned. The rum distilled as the dew, and his meditation upon the profits was sweet. He heeded not the hail from Hollis Street pulpit, that rattled upon the copper of his still—his still, "whose worm dieth not, and whose fire is not quenched," even on the Christian Sabbath. He forgot all my naughty speeches, forgave all my cold water canticles;—nothing rankled in his bosom against me, but the "*Books*" that I had made for his children's use, and the "Razor Strap," that I had made for my own!

No. 6. "Last of all, and above all, the *Abolition of Slavery*, a question which threatens more than all else, the destruction of our Glorious Union."

I cannot but think, gentlemen, that in this cause

of offence, the fears of your colleagues, that look before, are stronger than their facts that lie behind them. What are the facts, in this case? The abolition of Slavery has never, by me, been made the subject of *discussion* in my pulpit, in any such sense as is ordinarily conveyed by the term, discussion. It has, in a very few instances, been alluded to, or named, in connexion with other questions of public interest, and, on one occasion, not in a sermon, in stating to my people some of the considerations that had prevented me from discussing, or discoursing at large upon, the subject of Anti-Slavery, I made a brief declaration of sentiments upon it, merely, as I told them at the time, to show that I had no concealments, but rather wished to have it understood exactly what my feelings upon that "question" were. These I stated, in the following words, as nearly as I could afterwards write them down.—"If I am asked whether I am an abolitionist or not, my answer will depend upon what is meant by "an abolitionist." If the inquirer means, a member of any society, association or party, organized for the abolition of slavery, as a political party, I am not an abolitionist. But if, by "an abolitionist," he means one who has a most cordial detestation of *slavery*, in all its phases and forms—personal and domestic, political and spiritual,—and one who, with this feeling, would have all forms of slavery immediately abolished, *I am an abolitionist.* For, so utterly do I detest slavery, that,

were it to depend upon my single voice, this day's sun should not set on a slave, upon the face of the whole earth. And, for this single reason, that slavery is a violation of the eternal law of God; and I believe that whatever good things it is the good pleasure of God that his creatures should enjoy upon the earth, they can better secure by keeping his laws than by breaking them. I have not yet felt it to be my duty to preach upon this subject; and I make this declaration merely because, upon this or any other, I desire no concealment of my opinion from my people. When I *do* feel it my duty to preach upon this subject, I shall feel myself free to do so, and shall try to preach so as to be understood."

That is all of my abolition *preaching*. That is what I said then. I say it now; only adding, that, as circumstances and times change, the pressure of duty will be felt more or less imperatively to touch in the pulpit upon this momentous question.

I learned, soon after this declaration of sentiments, that I had given offence by it. Very well! I thought it very likely that I might give offence by it. But if I gave offence to others' feelings, I gave vent to my own;—and so long as I can give vent to my own feelings, by expressing them plainly, others may give vent to theirs, by finding fault with me.

But why this sensitiveness now? More than nineteen years ago, when the great question was before Congress whether Missouri should be admitted to

I must be either a pulpit slave or a plantation slave, —send me to the plantation!

I believe, gentlemen, that all the items on this invoice of transgressions, are now checked off. And now, looking back upon them, is it not a little remarkable that the Commonwealth of Massachusetts, in regard to every one of the items, with the single exception of "*Phrenology*," No. 4, has laid herself open to the same censure from this Committee of Hollis Street Society, that has fallen so heavily upon its pastor! Well, there *is* some comfort in that. Misery, it is said, loves company; and, while in *good* company, one may almost consent to be in disgrace. With the advancement either of light, or of darkness, in this Commonwealth,—I am almost afraid to say which, lest the author of this Report may think that I mean to compliment myself at his expense,—the law of Massachusetts has followed on,—by a very "striking coincidence!"—in the very direction in which the voice of the minister of Hollis Street—according to this Report—has been heard, finding fault with its old position, and calling it onward to a higher and stronger. The old law of "Imprisonment for debt" is altered, in favor of humanity. The old "militia law" is altered. The old law has been altered to a nearer conformity to the spirit of "anti-masonry." And, if I could suppose that "many members" of Hollis Street Society, who were aggrieved, last year, by my interference with "the laws

of the land," still felt interest enough in the Laws regulating the sale of spirituous liquors, to retain the fact in their memory, after I had mentioned it, I would also remark that the old License Laws have been altered in favor of "Temperance!" What may yet be done with the slave laws of this nation, The Ruler of the nations, in his own time, will show.

My friends, I have thus endeavored to comply with what I understand to be the spirit of your note, so far as two classes of my delinquencies are concerned, my *engaging* in certain mechanical pursuits, and my *engagedness* in certain moral "topics," that, in the view of your colleagues, are particularly "exciting."

There are a few other things, which may be classed under the head of *particular acts*, and upon which you must indulge me, if your good nature will hold out under it, in some further remarks.

Your colleagues speak of my having stated unqualifiedly that if God spared my life, to return, after a voyage for the restoration of my health, a few years ago, "*that* life should be devoted to my people." And, still further, so late as September of last year, I said, as I did say, "*If I have* entered too earnestly or too exclusively into a few topics that, from circumstances in which, in these days, we are all called to act, have become particularly exciting, to the neglect of others, equally important and more peculiarly within my own province, it cannot be to my people a matter of deeper regret than it is to

"our glorious Union," with the curse of slavery entailed upon her, a fervent prayer went up, from Hollis Street pulpit, that that black cloud might be permitted to overshadow no more, than it then darkened, of our great and good land. At that time, there was enough of the love of liberty, and consequently of the hatred of slavery, alive among us, to make it impossible for the Representative of Boston feelings and interests, in the Senate of the United States, to show himself in State Street, on his return from Washington, without meeting some manifestation of the indignant feeling that he had excited among his constituents, by his vote on that question. At that time, there was no intimation, from any quarter, that an anti-slavery prayer did not go up as fervently from the people's hearts, as it did from the pastor's lips. *Then*, the *extension* of slavery threatened the integri ty of our glorious union. *Now*, nothing is so dangerous as its *abolition!* The former was then the "exciting topic;" the latter now. Have God's laws altered since that time,—or is it the people's hearts? When a few more freemen shall have been shot down, at the side of the printing press, by the minions of slavery; a few millions more of a free people's petitions trampled under foot by their own servants at Washington; and a few more free citizens of Massachusetts kidnapped for the slave shambles of Virginia, the people of Boston will begin to think that they *have* something to do with slavery; and

if the clergy will have nothing to do with it, they will have nothing to do with the clergy.

As to the *fears* of the Committee, that look forward, to a dissolution of "our glorious Union," as the effect of the anti-slavery question, I am happy to say that I do not sympathize in them. The few fears that I have, are all upon the other side. While, in this country, there can be sustained a free press, and a free pulpit, I have no fears for the republic. At any rate, this nation, like every other, has less to fear from its righteousness than from its wrongs. Dissolution of the Union, forsooth!—afraid of that, yet not afraid of muzzling the pulpit, and shackling the press, in a land whose greatest boast is its freedom, and whose only security its virtue! Dissolution of the Union, by those to whom their union with the free states gives hats, and shoes, and daily bread, and, after all, only a cat-nap sort of sleep! When I see the merchantman at the Balize cut herself loose from the steamer that tugs her up to New Orleans; the woodman chop off the limb that he stands upon; the town pauper dissolve his glorious union with the selectmen; or the honest tar, that has fallen overboard, apply his jack-knife, with his left hand, to the rope that he holds on to, with his right,—then shall I begin to fear that the slave states of America, will *really* recede from their union with the free. At all events, union or no union, I will never *be* a slave myself, for fear that another man will *not stay*, a slave. Yet, if

and is carefully written out—"No, my friend, you put words into my mouth which I did not use. You make me say what I did not say. This I repeat; you make me say what I did not say. Moreover—if the assertion is made without qualification or restriction, it is one which I do not believe."—And again—"my words, in the present instance, have not been reported according to the truth; for again, I repeat it, I am made to say, what I did not say."—Thus I contradicted the Report, in my pulpit. At the same time, I said, in a letter to the Editors of the Journal of Commerce, "This averment," (referring to what I had said of the *responsibility* of dealers) I denied having made. So, too, that I denounced the manufacture and traffic in question as "felonious." This was especially exciting to many of our good citizens, and I certainly did not make the assertion." In my Discourse, on that occasion, and forming a part of it, I tell my people that what I had then said of the Report, was written fully out; and add; "It will remain; and it shall be held for the use of any one, whether present or absent, who feels a sufficient interest in the matter, to request the loan of it for perusal."—It has since been borrowed for perusal. In my own house, I read it, last year, to the man who drew up the votes that were the basis of the proceedings against me then; a man who was himself largely engaged in the trade then, and is now; and who, after all this, had the *coolness* to

look me in the face and reply, "*Sir, I believe you said it.*" And yet, that man is still alive; and I would not, and will not, hurt a hair of his head!— Does not the author of *this* Report, know that I had denied that word, and how and where I denied it? He dare not say he does not. And yet he has the face to say *in* this, his Report, that I have received the contributions of individuals "without a word of complaint, and without asking the question whether they were or were not obtained by, or were the fruits of "*felonious*" dealing! Did he, when he wrote that word believe what he knew that I had said about it? If *nay*, why has he, ever since July, 1833, continued under my preaching? If *yea*, why skulk behind an *innuendo* that he knew would be understood by his fellow worshipers and by me, and hurl at my veracity a shaft which he had not the courage to stand out in the open field and hurl?

Once more. In my first Letter to the Proprietors, this year, I refer to two sermons of mine that I there say I have laid before the world by the hand of the press. I certainly did, at the time, *profess* to print each of those sermons, as it was preached. The author of this Report, speaking for himself and the two other members of the Committee who signed it with him, says—"With regard to the published sermons to which he alludes, we will only say, and we say it without fear of contradiction, and we say it without meaning to call his veracity in question, that they do not contain all that was delivered."

me ; and I shall faithfully endeavor to recall all undue attention from the former topics, and confine to the latter what they may rightfully claim." Then in relation to what I have here quoted, of my own, their language is, "We *will* say it is either meant to be ambiguous, or he has changed his mind." How so, pray tell us? Why, because "he now says he will stand in a free pulpit or none."

Gentlemen, do *you* see the connexion? For the life of me, I cannot. Let me ask, in the first place, whether it is possible that the majority—the *numerical* majority certainly—of your committee suppose, when I say—"*If* I have" done a particular thing, that I admit *that* I have done it? Have they not learned the difference between a supposition and an affirmation, in the English language,—between the indicative and the subjunctive mood, in grammar? When either of these gentlemen says, to a man who presents a bill which he, himself, thinks he has paid, "*If* I owe it, I will endeavour to pay it," does he, thereby, admit that he owes it? And if the holder of the bill says that he understands the promise as unconditional, and insists on payment, does your colleague set that man down, in his books, as a very clever man, in his way? Let me ask, in the second place, am I to understand that my life cannot be devoted to my people, if I insist upon standing in a free pulpit or none? That is the logic of your colleagues. Is it the meaning of the Proprietors of

Hollis Street Church? If so, let them, by their vote, endorse the logic and the language of their mouth-piece, the Chairman of their accusing Committee. If not so, let me counsel them to speak through some other organ.

Each of the two next paragraphs of the report of your colleagues, gentlemen, contains, in spirit, and fact, though not in form, an attack upon my veracity. Though not exactly in the order of their succession I will first notice the insinuation contained in the word "felonious," in the last line of the second of these two paragraphs.

Those who have had even a little knowledge of the affairs of Hollis Street Church, for the last six or seven years, know that, in an anonymous Report of a Temperance address that I made at Saratoga Springs, July 4, 1833,—a Report that appeared in the New York Journal of Commerce,—it was stated that I even denounced the manufacture of ardent spirits and the traffic in them as "felonious." On my return I found that the "Excitement" was tremendous, among those who felt themselves attacked and grievously wronged. I felt it due both to them and to myself to state, in my pulpit, what was the simple fact, that, in respect to that offensive term, as well as at least three other points, the Report was utterly false.—I gave a whole Discourse to the subject. In relation to that particular term, addressing the Reporter, I said, in that Discourse which was

Gentlemen,—and here I mean what the word imports, I use it not as an unmeaning form of salutation,—gentlemen, how dare the Chairman of your Committee say, without fear of contradiction, that the sermons in question, do not, as published, contain all that was delivered, when he knew that I professed to make the printed agree with the spoken word? How dare he? Why, my friends, I have confessed, over and over again—yea,—even after I had expressed in strong terms, and that to the Chairman himself, my belief that all was printed that had been written or delivered, I have confessed that it was not!! Your chairman dares, without fear of contradiction, to say what I have, myself, confessed! But why was *not* all of these sermons printed, that was delivered? Why, professing to print all, did I not print all? Did I not know that there were ears open around me, while I preached, and eyes open around me, after I had printed, ay, and spirits enough around me that would watch for my halting, if there was, on my part, any want of good faith in giving from the press what I had given from the pulpit? Yes, gentlemen, I knew all this, and yet, professing to print all, I did not print all! Listen, *why*. In carrying two sermons through the press—ONE WORD was dropped, by "*error of the press!*". One word,—and only one, has as yet been found—one word, which, from its connexion with the sentence, might be dropped with no obvious injury to the sense, and no in-

jury to the syntax, was omitted by the compositor, though it is to this hour uneffaced, in the manuscript; was detected, in correcting the press, by neither the the author, nor the proof-reader at the office, and was thus left out of the printed, though it was delivered, and it may now be seen, in the written sermon! And now, a man, standing out before the world as Chairman of a Committee of a Christian Society,—a man, who, in one public document, expresses his belief that "the *purity*" of that society will be endangered by my continuing any longer connected with it, dares, in another solemn document which, with his own hand, he has given to the public through the columns of the newspaper press, to "say without fear of contradiction," that two published sermons of his own Pastor, "do not contain all that was delivered," because, in one of them, one word was dropped out by an error of the press! And the beauty of the whole is, that,—admirable tenderness of his neighbor's good name!—he says this "without meaning to call his veracity in question"! O no! not for the world would he do so cruel a thing as that. He would only blast his good faith, without touching his veracity! He would not call his veracity in question, but would hold it up in such a light, as to destroy it beyond *all* question! And yet, for nearly two years, since the preaching and publishing of that sermon, he has been, as he had been for many years before, a hearer of my preaching, with

all his family! Did that man, when he wrote this paragraph, believe, that in publishing that sermon, though partaking with him of the common inheritance of human fallibility, I had acted in good faith? If *yea*, why this assassin stab at my good faith? If *nay*, why, by coming with his family year after year, to listen to my religious instructions, and unite with them, in the devotions in which I have led, has he betrayed his high trust as a husband and a father, in exposing his wife and children to the corrupting influences of a faithless man, and thus endangered the moral well-being of his family, and sinned against his own soul?

My friends—I have merely shown this man the horns of his dilemma. Let him choose, at his leisure, on which of them he will hang.

Gentlemen of the minority, I have now said all that I think it important to say *to* you directly, or, through you, of the Report of the majority of your committee. But, I pray you to allow me, through you, also, to say a few words to the Proprietors of the Church, since they have left open to me no channel of direct communication with them, by instructing any of their Committees, or other officers, to communicate their doings to me.

Gentlemen, Proprietors,

I hope you will allow me, without offence on your part, to call your attention to our present position, in relation to each other.

In my first Letter, in reply to your doings in relation to me, which letter is of date September 16, I tendered you an issue, as to the main spring, or moving cause, of your annual proceedings against me. In your Reply to that Letter, viz: in the Preamble to your votes, at your meeting, Sept. 30, you distinctly take that issue. In my second Letter, dated October 7, I demand a mutual council to try that issue, and to settle all matters in controversy between us. Appended to that Letter, and offered for your consideration immediately after it, by Mr. James Boyd, at my request, were the Preamble and votes, of which the following is a copy; indicating, as you will see, a way for the final settlement of our present controversy.

"Whereas, in our present controversy with our Pastor, Rev. John Pierpont, we have joined issue with him, upon the essential question between us; he, in his last Letter to us, in effect affirming that TEMPERANCE is, by way of eminence, THE "Exciting Topic," his zeal in the cause of which, and his efforts for its advancement, constitute "*the head and front of his offending*," and we, in the Preamble to our last vote upon that Letter, denying this;—and,

"Whereas, it is absolutely due to the character of both the parties to this controversy, that this issue should be settled by some common and competent tribunal, in presence of this Christian community, and for the information and admonition of other churches, and of coming times,—therefore,

"*Voted*, That a committee of——be raised by this Society, and clothed with full power to agree with our Pastor, upon a mutual council, before which this issue shall, by them, be carried, and by which it shall be settled.

"*Voted*, That the decision of that tribunal shall be conclusive, final, and forever binding upon both parties, upon the following points, namely;

"1. Whether what our Pastor has affirmed, and what we have denied, as aforesaid, *is true*.

"2. If the Pastor's course, in relation to the Temperance Cause be not, as in his letter, he says it is, "the main spring of our movements against him,"—What *is?*

"3. Whether, by reason of any thing that he has done, or left undone, in relation to that cause, or any other cause, "the connexion between him and this Society *ought* to be dissolved." And,

"4. If, for *any* cause whatever, that connexion ought to be dissolved, what are the terms and conditions upon which a dissolution SHALL take place."

To this offer, or demand, your Committee, appointed on the 7th of October, in their Report, dated on the 14th, object, on the ground that, in their opinion, there is nothing between us for such a tribunal to settle. At the same time, they depart entirely from the issue previously tendered, and taken, and launch you forth upon an ocean of specific charges, in navi-

gating upon which, I apprehend that you will find some difficulty, and meet with some delay in arriving at "the point proposed,"—being evidently somewhat farther off now, than when you first set sail. In my poor judgment, "ye should have hearkened unto me, and not have loosed from Crete, and, have saved all this harm and loss," in departing from a regular issue, and refusing to come to a trial. I have now no further counsel to offer. To the pilots that you have chosen, I commit both yourselves, and the responsibility of your voyage. Allow me to say, however, as your friend, and dropping the present metaphor, that those things, which you are now doing, are not done in a corner.

You are as a city set upon a hill. The eyes of the Christian World are upon you. From the point where you now stand, three ways lie open, and only three. If you move, you must take one of them. You are obliged to do this by strong necessity—a necessity laid upon you not by my hand but by God's. One of these four things, you must do. Either,

First.—Take refuge from the preaching of Hollis Street pulpit, in some other church where you may hear better, or in some shelter where you will hear none. Or,

Secondly.—Take me before an ecclesiastical council, where whatever charges you have to make against me, may be heard and finally determined. And this you may do by means of a Committee, es-

pecially raised for the purpose of conducting your cause; which committee you may authorize to say "*aut inveniam aut faciam*," — "We will either find occasion against him, or will make it;" or, you may entrust your business to the three gentlemen who have served you on the last Committee, whose Report is now before you for action, and whom you can instruct to go before the Council with their own Report, which you have ordered to be printed, and they have published to the world, declaring that, in their "opinion, *there is nothing for such a tribunal to settle :*" or,

Thirdly. — You must reconsider and rescind your vote of Sept. 30th, in which you declare that you do not approve, and will not endeavour to sustain, the principles of the entire freedom and independence of your pulpit, as those principles have been illustrated in my ministrations;—thus, inviting me to go into it again, with the distinct understanding that, while in it, I shall handle any topic that I think I ought, *as* I think I ought, and *when* I think I ought — in one word, that I shall *use* the freedom that I have vindicated, both for Hollis Street pulpit, and for my own spirit so long as I hold it: — or,

Fourthly.—Failing all these, you must consent to stand still, and hold the position that you have chosen to assume, in the eyes of the Christain World, and of God.

Gentlemen; — In my last letter to you, I said, "The enterprize of displacing me from my pulpit is

yours." I now say,— in that enterprize you are doing *your* best, to save yourselves from the disgrace of failure. I shall continue to do *my* best, to save you from the still deeper disgrace of success.

I am, gentlemen of the minority,

Your friend and servant,

JOHN PIERPONT.

THE

ARGUMENT

OF

PELEG SPRAGUE, ESQ.

BEFORE THE COMMITTEE OF THE LEGISLATURE

UPON THE MEMORIAL OF

HARRISON G. OTIS AND OTHERS.

FEBRUARY, 1839.

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1839.

THE ARGUMENT

OF

PELEG SPRAGUE, ESQ.,

BEFORE THE JOINT COMMITTEE OF THE LEGISLATURE, ON THE MEMORIAL OF HARRISON GRAY OTIS AND OTHERS, FEBRUARY 19th, 1839.

Mr. Chairman:

The question last year was, whether you should take another step toward the suppression of Intemperance. The question now is, whether you shall recede from a position then deliberately taken.

The memorialists demand that you shall retrace your steps, and repeal your law, and that, too, immediately, before it has gone into actual operation. It is certainly incumbent upon them to assign satisfactory reasons for such a demand, and this they have attempted in the memorial before us.

Their reasons, after a careful examination of the Memorial, will be found to be comprehended under these three general propositions:

1. That the law is a violation of the Constitution of the United States.

2d. That it is a violation of the fundamental principles of Free Government, as it respects the use of *property* and personal liberty.

3d. That it cannot be enforced.

The two first are supported by a great variety of subordinate propositions. Indeed, nineteen twentieths of the whole Memorial, and a great part of the argument of counsel, have been directed to their support. Thus put forward and insisted upon, these propositions demand a deliberate examination; for, if well founded, you must not only repeal the law you have enacted, but you can never renew it, nor pass any other embracing the same principles.

First, as to its Constitutionality.

Their ground is this: The Constitution of the United States gives to Congress the power to regulate foreign commerce. Congress have, by law, authorized the importation of spirits. Your act is inconsistent with that law, and thus subverts their constitutional power.

This has been urged as if it applied to the whole trade in spirits, when, in truth, it touches only importations, which are less than one sixth part of the consumption of the country.

But let us consider it in its full extent. It is to be remembered that, after the declaration of Independence, and prior to the adoption of the Constitution of the United States, the power of each State over all its commerce, internal and external, was as complete and exclusive as could be that of any independent nation. After the adoption of the Constitution, each State retained all the powers which had not been granted to the United States;

and so careful were our fathers to guard these reserved powers, and prevent Congress from assuming any general power of legislation, such as the State Legislatures possess, that they immediately made an amendment of the Constitution, by which it is expressly declared, that "The powers not dele- "gated to the United States by the Constitution, nor prohibited by it to the "States, are reserved to the States respectively, or to the people."

Now, Sir, the only power given to the United States over commerce is conveyed by these words, in the 8th Section of the 1st Article: "Congress "shall have power to regulate commerce with foreign nations, and among the "several States, and with the Indian Tribes." The words, "among the several States," have always been understood to mean between State and State, and never to touch the internal trade between citizens of the same State. This will be seen by consulting the numbers of the Federalist, the debates in State Conventions, and the decisions of the Supreme Court of the United States. Indeed, the language of the Constitution itself is too explicit to admit of doubt.

The power, then, to regulate the external commerce of a State is granted to Congress; but all power over its internal commerce remains with the State, and is as supreme and exclusive now as it was before the Constitution was framed. In the celebrated case of Gibbons *vs.* Ogden, reported in 9 Wheaton, page 1, Chief Justice Marshall, in delivering the opinion of the Supreme Court of the United States, holds the following language:—

"The genius and character of the whole (U. S.) Government seem to be, "that its action is to be applied to all the *external* affairs of the nation, and "to those internal which affect the States generally; but *not to those which* "*are completely within a particular State.* * The completely *internal* "commerce of a State, then, may be considered as *reserved* for the State "itself."

What has each party done, under these respective powers? Congress has regulated *foreign* commerce in spirits, and by their act of 1799, ch. 128, sec. 103, prohibited the importation of all distilled spirits, except arrack and sweet cordials, in casks of less capacity than ninety gallons. By statute of 1827, ch. 212, this act, for special reasons, was so far modified as to allow brandy to be imported in casks of not less capacity than 15 gallons, but still prohibiting all under that quantity.

Congress has said there shall be no foreign commerce in spirits in less quantity than 15 gallons. The State says there shall be no internal commerce in spirits in less quantity than 15 gallons. It is conceded that the power of the State is as ample over the internal, as that of Congress over the external, commerce; and yet it is insisted that the one restraint is legitimate, and the other not, in defiance of the mathematical axiom that things equal to the same thing are equal to one another.

This view alone would be sufficient for the present argument. But I would not leave it to be inferred that I think the State is under any obligation to limit its legislation to the quantities prescribed by Congress. The power over all its internal trade being retained, it is as supreme and exclusive as that of any independent nation, and of course may be restricted, not only to fifteen, but to fifty or a hundred gallons, or any other quantity that the Legislature of the State may, in its wisdom, deem best. This is not only clear upon principle, but is established upon the highest authority. I would refer to the case before mentioned, of Gibbons *v.* Ogden, and the case of Brown *v.* State of Maryland, 12 Wheaton, 419; New York *v.* Miln, 11 Peters, 139, all of which are decisions by the Supreme Court of the United States; and the case of Commonwealth *v.* Kimball, decided by the Supreme Court of Massachusetts, in the year 1837. In the case of New York *v.* Miln, the Supreme Court of the United States hold this language: "A State has

"the same undeniable and unlimited jurisdiction over all persons and things, "within its territorial limits, as any foreign nation, where that jurisdiction "is not surrendered or restrained by the Constitution of the United States."

And again :—That a State may pass any law "that concerns the welfare "of the whole people of a State, or any individual within it; whether it relate "to their rights or their duties; whether it respect them as men, or as citi- "zens of the State; whether in their public or private relations; whether "it relate to the rights of persons or of *property*, of the whole people of the "State or of any individual within it; and whose operation is within the "territorial limits of the State, and upon the persons and things within its "jurisdiction."

That pre-eminent jurist, Chancellor Kent, was applied to by the opposers of this law for his professional opinion. He has given it, and fully and unequivocally sustains its constitutionality. Indeed, no lawyer has yet been found who would hazard his reputation by giving a deliberate opinion to the contrary.

The Memorial not only insists that this law is an absolute violation of the Constitution of the United States, but that it is an indirect violation, or an unworthy and disgraceful evasion of it, inasmuch as its object is to diminish the consumption of a foreign article, and thereby to diminish its importation.

Their ground is, that a State cannot legitimately do anything that may diminish the *consumption* of the foreign article. They argue as if Congress had required that importation should be made to some definite extent; as if there was an obligation imposed on the citizen to import, when, in truth, they have only granted a permission, of which any one may avail himself, or not, at pleasure. Yet it is insisted that the State has no right to do anything which tends to diminish the inducements to importation!

Sir, do you not now give large sums from the Treasury of the State as a direct bounty to our farmers for the growing of wheat, thereby to diminish the importation from foreign countries or our sister States? Have you not legislated to encourage the production of sugar, silk, and various other articles? Has it not always been deemed a high duty of the Legislature to foster domestic industry, to prevent our resources being drained off for foreign products? And are we now to be told that all this is a violation of duty, and an unworthy evasion of the laws of the United States? Again—have you not always restrained the sale of obscene books and pictures, and gunpowder, which may be imported from abroad? Nay, as to this same subject of spirits, has not your legislation been always directed to diminish its consumption, by restraints and prohibitions on the sale, absolutely inhibiting it to certain classes of persons, and punishing all who are guilty of drunkenness? Was this doctrine ever advanced before? Has any man, in any department of the government of the United States, whose powers are said to be thus encroached upon, ever put forth such a claim? Were such a doctrine advanced in either House of Congress, it would be met only with universal derision. It has been left for these memorialists here for the first time to advance this abject doctrine, to suit this particular occasion, to ask the Legislature of Massachusetts to be guilty of self-degradation, by divesting themselves of these unquestionable and all-important portions of their authority.

But if a State, in the exercise of its high political power, may not take measures to diminish consumption, may unauthorized combinations of individuals do so? Upon this principle, all your Temperance Societies are violations of the Constitution of the United States. What, then, becomes of that moral suasion to which gentlemen commend us? Sir, no man would have a right to dissuade his neighbor, nor even his own son, from continued intemperance, because it would diminish consumption!

I proceed, now, to the second great objection to this law—*that it is a violation of the fundamental principles of free government, as it respects the protection and use of* PROPERTY. In the array of solemn reasons—the "Becauses" of this Memorial—no less than fourteen of the whole twenty-four are devoted to the sustaining of this grand objection.

In three of these propositions it is asserted in terms that this is a law of *confiscation*. And what is confiscation? It is the forcible taking the property of an individual, without compensation, and devoting it to the public use, or selling it and putting the proceeds into the public treasury. And is it not amazing that gentlemen of the character and standing of these leading memorialists should, in distinct and solemn propositions, repeatedly assert that this is a law of confiscation?

The property—that is—the spirits, which it affects, may be divided into two classes. 1st. That which was on hand when the law passed, in April last. And, 2d, that which has been purchased since.

As to that which was on hand, did the law diminish its value? Upon this point you have evidence, direct and positive, from the memorialists themselves, that it did not reduce its price, and has not prevented the sale. Indeed, if no evidence had been introduced, the presumption would have been that such was the fact, since the anticipation that the new law would diminish consumption would rather tend to prevent importation and manufacture than to depress the price of the article on hand. But if it had depressed the price, is that confiscation? Is it not the frequent effect of ordinary, unquestioned legislation? Has not the charter of every new bank in State street injuriously affected the property of the old Massachusetts Bank, which was first incorporated? So of every successive Insurance Company as to its predecessors. Look at the case of the Providence Turnpike. You granted a charter for a Railroad, which has not only depressed, but almost wholly destroyed the value of that property. So of the Middlesex canal and Lowell Railroad. I might follow this out by the effect of these and other acts of legislation upon the value of real estate, in town and country; and yet whoever doubted of their validity? Again, if there had been a depression of price, and the holder had sold at a loss, what is the remedy proposed? To pay him the amount? No! but to repeal the law, which would no more restore the money that has been lost, than destroying a bridge, after a passenger had passed over, would bring him back again.

As to the second class, that which has been purchased since the passage of the act, it was bought with full knowledge of all the restraints which the law imposes, and the price paid was graduated accordingly. Can such purchasers complain of the incumbrance of the law? As well might the man who has purchased a farm, with a known highway previously established over it, denounce its continuance, as a confiscation of his estate.

But the principal ground of complaint as to property is, that it restrains the sale, and of course diminishes the inducements of the dealer to purchase, and thus affects the traffic in ardent spirits; and it is confidently asserted that to restrain the sale is a violation of the fundamental principles of free government.

Let us here consider the state of the question. It is conceded that the sale and use of ardent spirits is a great public evil. Indeed, the proof upon this point is incontrovertible.

First, as to PAUPERISM. By the official returns made to the Secretary of State, for 1837, of all the towns but sixteen, it appears that the whole number of paupers in the Commonwealth, during that year, was 14,099, of whom 7,590, being more than one half, were made so by intemperance; that the expense of supporting the whole was $306,589—the proportion of which for the intemperate was $165,000.

The returns for 1838 show that the paupers produced by intemperance were 8,080,—the proportional expense for which exceeded $170,000.

Next, as to CRIME. By the official certificates of the overseers of the House of Correction of the City of Boston, and of Mr. Cleaveland, the chaplain, and Doct. Flint, the physician of that establishment, it appears "that *seven eighths* of all the sentences of imprisonment there were occasioned, more or less directly, by the vice of intemperance." By the official statements of the Hon. Peter O. Thatcher, Judge of the Municipal Court, and the Hon. William Simmons, Chief Justice of the Police Court, it appears that *three fourths* of the crimes brought under the animadversion of those courts arise from the same cause. By the official returns for the Commonwealth, in 1837, it appears that the whole number of criminals was 4,025, of which 145 are stated to be temperate, and 753 intemperate—the others are not stated. Taking the proportion returned as the proportion for the whole, it would make the number of intemperate 3,354,—being more than five sixths throughout the Commonwealth.

As to DISEASE and INSANITY, there are no full statistics. But the testimony is abundant, and uncontradicted, that a large proportion of both is produced, and all aggravated, by the use of ardent spirits.

I forbear to proceed further in stating the evils of this traffic to the public, or the miseries which it inflicts upon individuals, because all that we can ask upon this subject is conceded. The memorialists and their counsel both admit that the evils are immeasurably great—that the end proposed by your law is eminently desirable; but they insist that the means adopted are unjustifiable in themselves, and cannot, therefore, be sanctified by the end. The Memorial states it thus:—"the question is not whether this law, if enforced, might or might not promote temperance; but whether, in its application to a particular description of property, and to the free agency of the citizen, it does not contravene all sound principles applicable to the possession, use, and enjoyment of property, as a whole, and the exercise of plain personal and domestic rights, that lie at the foundation of free government. It is not a question merely affecting morals, but the highest constitutional guarantees of property and individual liberty.

"We ask for the repeal of that law on these grounds."

And again, toward the close, it is declared that "they cannot consent to do wrong that good may possibly come." Their position, then, is distinctly this: that, if the law could be enforced, and all its objects attained, in the suppression of the appalling evils of intemperance, still you have no right to restrain the sale, because it is a violation of the fundamental principle of free government as to property—that the right to sell is an inherent and essential quality of property.

Did it never occur to these gentlemen that more than one half of all the citizens of this Commonwealth are, by law, disabled from selling property at all—the minors and the married women, who yet hold property to a vast amount? Have you not always absolutely prohibited the sale of obscene books and pictures? Nay, as to this very subject of spirits, has it not been the object of all your former laws to diminish the use of them, by restraints and prohibitions? All persons were prohibited selling them in less quantities than twenty-eight gallons, unless specially licensed, and licenses were to be granted only so far as the *public good* required. That was expressly made the end, the object, and the limit of licensing. The County Commissioners were bound to keep the prohibition upon all, unless, in their judgment, the public good required that licenses should be granted. This law is founded upon the same principle—the advancement of the public good—the suppressing of public mischief. The Legislature have now done, themselves, what they have heretofore authorized others to do—determined what is for

the public good. They formerly delegated that power to the Commissioners, who exercised it, in some cases, by determining that the public good required that no licenses should be granted. And may you not exercise the same power yourselves? Could you delegate a power that you did not possess?

But the memorialists insist that they have an original right to use their property, even if it does produce pauperism, crime, and disease. They forget the paramount, all-pervading principle, that no man shall so use his own as to injure others, much less society at large. Have they an original right to encroach on our property and our safety—to manufacture more than eight thousand paupers, and three thousand criminals, to be annually supported by the community, at an expense of hundreds of thousands of dollars—to take from the industrious, the frugal, and the temperate, the farmer, mechanic, and laborer, the honest fruits of his industry, and we no right to arrest their career?

But here they advance another proposition—that you have no right to punish an act, not criminal in itself, because of its tendency to crime in others. There is not a little confusion of ideas in this part of the Memorial. It speaks of the Legislature punishing a lawful act, or one not criminal in itself. Who makes it lawful—who makes it criminal? When you prohibit an act, under a penalty, it then becomes unlawful and criminal. But I presume they mean, by acts criminal in themselves, those which are sometimes called *mala in se*, that is, violations of the laws of God. Their proposition would then stand thus: You have no right to punish an act on account of its tendency, unless it be also a violation of the laws of God; thus making an act, which shall be deemed to be a violation of the laws of God, subject to human punishment, when the same act would not be punishable if not determined to be a violation of those laws. And who is to make this discrimination? What human tribunal is to construe and administer the laws of the Almighty? Of what religious denomination shall it be composed—Methodists or Baptists, Calvinists or Unitarians, or of those who profess no religion whatever? And when you have your Inquisition organized, what is to be the punishment meted out upon solemn conviction of violating the laws of Jehovah? Shall we not be carried back to the dark ages—to the stake and the fagot—and that, too, by the doctrines of these memorialists, who are so sensitive in their apprehensions, lest we should recur to some of the rigor of our Puritan Fathers? Sir, I had supposed that here, at least, the day had gone by, when poor, feeble, fallible mortals would undertake to administer the laws of Omnipotence; and that it was now well understood, that the legitimate sphere of human legislation was, to prescribe the duties and to regulate the conduct of the citizen, only with reference to their effects upon society.

But let us pass on. You have no right, it is said, to prohibit an act on account of its tendency; and this, I suppose, is the new and dangerous principle against which they protest. Look at your statute book. It teems with provisions which punish acts most innocent in themselves, merely on account of their tendencies. There are whole classes of such cases. The 53d and 55th chapters of the Revised Statutes are devoted to the preservation of certain birds and fish, and it is made criminal to kill or destroy any partridges, quails, woodcocks, snipes, larks or robins, curlew, dough-bird or chicken-bird, at certain times and seasons, or to take and carry away, in a certain manner, any lobsters, tautog, bass, oysters, and other shell-fish. But to come to this very subject of traffic. The twelfth title of the Revised Statutes, embracing fifty pages, is devoted to the regulation of trade, and the 28th chapter imposes prohibitions, and inflicts penalties, as to the trade in beef, pork, butter, lard, chocolate, fish, hay, hoops, staves, hops, leather, boots, lime, casks, timber, boards, shingles, clapboards, nails, oil, paper, pot-ashes, salt,

grain, wood, bark, and charcoal; prescribing, under penalties, how certain articles shall be prepared, into what vessels they shall be put, of what dimensions, how other articles shall be made, of what materials, of what size, length, breadth, and thickness, of what quality and composition, how marked, numbered, and designated, and a hundred other particulars; thus punishing acts not only innocent in themselves, but the consequences of which can be only remotely and indirectly injurious.

But the memorialists contend that you have no right to restrain an act, even if it tends to crime in others. Punish the criminal, say they, but not the act that leads to the offence. In reply, permit me to read from the opinion of the Supreme Court of the United States, in the case of New York *v.* Miln, before referred to. That case arose out of a statute of New York, by which the importation of passengers,—an act one would think innocent in itself,—was subjected to certain restrictions and conditions, under penalties. The law was sustained, and the court say, "we suppose it to be clear "that a State has as much right to guard, by anticipation, against the com- "mission of an offence against its laws, as to punish the offence after it shall "have been committed."

Again—"We think it as competent and necessary for a State to provide "precautionary measures against the moral pestilence of paupers, vagabonds, "and possible convicts, as it is to guard against the physical pestilence which "may arise from unsound and infectious articles, imported in a ship."

But come to our own State laws. Do they never punish acts because of their tendency to crime in others? Sir, they will not even permit a man to give away his own money as he may see fit. If he bestow a gratuity upon a judge, a juror, or a legislator, to influence his official conduct, he would be liable, not merely to pecuniary penalties, but might be doomed to the states prison.

Upon their doctrine you cannot prohibit any sale of spirits, for they contend that selling is not a crime in itself—it only tends to crime in others. What right, then, to prohibit all persons, unless licensed—all places, unless licensed—to minors, servants, and others? How can you rightfully stop even the dram-shops? This doctrine would uproot your whole legislation on this subject for near two hundred years.

But it is said, content yourselves with punishing the criminal. Punish the drunkard, but touch not the maker of drunkards! Yes, throw temptation in the way of the poor, feeble, wretched victim, who is scarcely a free agent, and when he yields to it, bring down upon him the tremendous power of the law! Hold up the maddening cup to diseased and morbid appetite with one hand—while with the other you grasp the iron mace of power, with which to crush him to the earth the moment he has tasted it!

Have you no right to pass laws of *prevention?* Sir, the true principle of all criminal legislation is preventive, not vindictive. It is not that you would measure out so much misery for so much crime, but that by example you may deter others from offending. Suppose that by an act of legislation you could prevent three fourths of all the crimes that now darken the Commonwealth, would any man doubt that it would be your solemn duty to adopt it?

The memorialists would sever the act from its effects. They insist that they are not responsible for consequences. Sir, it is a fundamental principle that every man must be responsible for the natural and foreseen consequences of his acts. Have they a right to discharge a loaded gun, or let loose a ferocious animal, in the crowded streets of a city? An absolute and indefeasible right to sell, because it is their property! May they go into your States Prison, and there sell their property—their files and their crow-bars, their gunpowder and fire-arms, to the inmates, knowing that they will use them to break from their confinement, and spread terror and desolation through the country? And why not? They do but sell their property. They do not desire that such use should be made of it. Their only object

is the gain—the lucre; true, they know such consequences will follow, but then they are not responsible for consequences! Sir, they are responsible for consequences. Human society cannot go on, except upon the principle of holding men accountable for the natural and foreseen consequences of their acts. Again—may they go into your Lunatic Asylum and there sell their alcohol and their fire-arms to its wretched inhabitants, enabling them to break loose and spread fire-brands, arrows, and death throughout the community? And why not? They do but sell their property, and do not desire such consequences to follow.

It is conceded that the sale and use of ardent spirits produce more than half the pauperism, more than half the crime, and a great proportion of the disease and insanity, which afflict the community; and yet they assert that if your law can be enforced, and will prevent all this, and all the other accumulated miseries of intemperance, still you have no right to maintain it, because it is a violation of their original fundamental rights to use their property. They go back to original rights, and insist upon a right to encroach upon others. And if they may use their property to erect before my door a manufactory of disease and death, to send them into my family to consign my children to an untimely and hopeless grave, have I not a right to use my property, aye, and the limbs which the God of nature has given me, to prostrate their establishment, and protect myself against their encroachments? Is there not as high a right of self-protection as of aggression? And who is to decide between these conflicting rights? Society—society. They forget that they live in society, and would carry us back to a state of nature—to insulated individuals; and this for the protection of property, which can have no existence but under the complicated restraints of organized government.

If these gentlemen would but look into the Constitution of Massachusetts, they would find it declared in the very first article of the Bill of Rights, that "all men" have the right "of acquiring, possessing and protecting property." *All men*, not the few, but you, and I, and every man. Again, by the seventh article, it is declared that "Government is instituted for the common good—"for the protection, safety, prosperity, and happiness of the people; and not "for the profit, honor, or private interest of any man, family, or class of men."

Yes, sir, for the *common good*—for the benefit of the *public*, and not for the *profit* of any *class of men*, even although that class be the makers and venders of ardent spirits. Again, in the same Constitution, in the eighteenth article of the Bill of Rights, it is declared that "the people have a right to require of "their lawgivers" * "an *exact* and *constant* observance" * "of the principles "of * TEMPERANCE, *industry* and *frugality*," * "in the formation of the laws."

Such is the solemn injunction of the people of Massachusetts, by the Constitution which they have formed and under which you are assembled; and the Legislature cannot disregard it without being false to their trust, and false to the people.

Sir, if the strange doctrines of this Memorial should find countenance here, how would they be hailed on the other side of the Potomac, as a new discovery to rivet the chains of domestic slavery? No one has heretofore doubted that it was competent for each State, at least, to abolish slavery within its limits. But these new-fangled doctrines, now put forward as fundamental principles, would not only deprive a State of the power of abolishing slavery, but of stopping even its own internal slave-trade; for by the Constitution and laws of the slave States, negroes are as much property there, as spirits are here: and as an illustration of the doctrines of this Memorial, permit me to read one of its "Becauses" at length. It is as follows:—

"BECAUSE, When the Constitution of this State and of the United States "were adopted, the chattel now deprived of the most essential quality of "property by this law, was fully recognised as possessing all the immunities

"attaching to other property; and hence, it being the subject of lawful pro-
"perty under the supreme law of the land, for a State to deprive it of value,
"by denying to it *sale and transfer*, is an act of nullification of the laws of
"Congress, rendering the right of importation useless by destroying the right
"to sell."

Now, sir, please to recollect that at the time of the adoption of the Constitution of the United States and of the several States, negroes were fully recognised as chattels, and the subjects of lawful property, and that their importation, from abroad, into several of the States was then, and for some time afterwards, allowed by law; and if the Legislature of Virginia, at its last session, had passed a law restraining the sale of slaves, would not these doctrines of the memorialists apply to it with the same force as to your law restraining the sale of spirits?

A distinction has been set up and much insisted upon between *prohibition* and *regulation*. You may regulate, say they, but not prohibit. By regulation I suppose they mean prescribing the mode and manner of doing a thing. You may, then, prescribe the manner of inflicting a public evil, but may not entirely prohibit it! You may direct the mode of making paupers, maniacs, and criminals, but may not prevent it altogether!

But what do they mean by prohibition? Do they pretend that this law wholly prevents the sale? It is, at most, but a partial prohibition, allowing all sales over 15 gallons, and, for certain purposes, in less quantities. It is a limited restraint. And does not regulation necessarily imply restraint—allowing and disallowing, permitting some things and prohibiting others? Where do they get this distinction, as applicable to the present case? The State had, originally, exclusive power over all trade; it retains supreme power over all its internal trade, to restrain, prohibit, or allow, as the public good may seem to require. Congress has power only to *regulate* external commerce. Their whole authority rests on this single word "*regulate*." No other is used, and yet may they not restrain or entirely prohibit any branch of foreign trade? In 1789, as before stated, they prohibited commerce in spirits in less quantities than 90 gallons; and this continues except as to brandy, which is now prohibited in less quantity than 15 gallons. Under this power, too, have been all the prohibitions of trade with the British West Indies, which have heretofore attracted so much of the public attention. Nay, sir, by virtue of this single word "regulate," Congress laid an indefinite embargo, entirely prohibiting all foreign commerce. Their right to do this was indeed questioned, but it was sustained by the nation, and by the Supreme Court of the United States. No one ever doubted their right absolutely to prohibit commerce in particular commodities, or in any of its branches. The opinion of the Supreme Court of the United States will be found in the case of Gibbons *v.* Ogden, before cited from 9 Wheaton. By the decisions of several of the State courts, the power of the Legislature to prohibit, certainly to the extent of this law, has been distinctly recognised.

In the case State *v.* Peckham, which arose on two acts of the General Assembly of Rhode Island, the Supreme Court of that State say,—"These
"acts are essentially *prohibitory* or restrictive. The power to grant licenses
"arises out of their *prohibitory* or restrictive character; and inasmuch as
"all regulations of trade are in some sense *restraints* upon it, this feature in
"these acts cannot be pronounced void, without, at the same time, its being
"in effect declared that every State regulation touching its internal trade is
"also void."

Lunt's case, decided by the Supreme Court of Maine, and reported in 6 Greenleaf, page 412, may also be referred to.

In Massachusetts, as already stated, the laws have heretofore prohibited the sale of ardent spirits in less quantities than 28 gallons, except by persons

specially licensed; and under this provision was made the decison of the Supreme Court, in the case of Commonwealth *v.* Kimball, which I was not a little surprised to hear cited by the able counsel for the memorialists, as sustaining this distinction. Allow me to read from the opinion of the Court in that case, as delivered by Chief Justice Shaw. His words are these:

"It is contended that the law in question, *prohibiting* the sale of brandy, "rum, and other spirits, by any person within this Commonwealth, without "being duly licensed, is contrary, &c. &c.," and then says: "The law in "question, neither in its terms nor in its operation, professes to *prohibit* the "sale of imported spirits, by the *importer*, either by wholesale or by retail; "nor do these laws propose to raise a revenue upon the licenses granted. "But it is argued for the defendant, that the *prohibition* to sell is general, and "makes no distinction between the cases of a sale by the importer of import-"ed spirits in the original packages, supposing them under twenty-eight "gallons, and the sale of spirits not imported, or not by the importer, or not "in the original packages. *Be it so*, what is the consequence? Supposing "the law could be construed to be repugnant to the Constitution of the Uni-"ted States in so far as it *prohibited* the sale of imported spirits by the im-"porter in the original package, it would be void thus far and no farther, and "in all other respects conforming to the acknowledged powers of the State "Government it would be in full force."

I proceed now to another, a prominent objection against this law: *its unequal operation upon the rich and the poor*. The rich and the poor. The changes have been rung upon this topic in all possible varieties. Sir, one of the most difficult problems of legislation is to secure to property that legitimate use which is essential to the prosperity of every civilized community, and at the same time to restrain that abuse of it which operates injury and oppression to others, and particularly to the poor. The struggle between these two purposes is constantly going on. *It is the struggle here*. Who are the leading memorialists? Look at the five names presented to us by that document, as printed by order of the Senate, and the only names thus submitted for our inspection. They are gentlemen of the highest respectability, deservedly esteemed for their private virtues, and one of them, at least, pre-eminently distinguished for munificent liberality to public charities. Of these gentlemen I do not mean to utter one word that can be tortured into disrespect. But when the cry of rich and poor is rung in our ears, it is my duty to remind you that they are all men of immense wealth; that their aggregate fortunes are not less than five millions of dollars—being an average of a million dollars to each! and of their Memorial fourteen out of twenty-four "becauses" are devoted to the sacred rights of property. And who have presented themselves here as the active supporters of this Memorial? Manufacturers and venders of ardent spirits—gentlemen of respectability and influence, but also men of wealth, who come here, out of regard to their property, to prevent the profits of their trade being diminished. Who are benefitted by this traffic? The rich—the importers, distillers and the retailers—the owners of hotels, tavern-stands, and store-lots. Who are injured by it? Every body else—the public at large, and the poor in particular. Is it pretended that it benefits the poor purchaser? No; it is conceded that it injures his mind, his body, and his estate—that its effects are evil and only evil continually. And who come here in behalf of the poor, to represent their true interests and real wishes? Doctor Tuckerman, Deacon Grant, and Rev. Mr. Curtis—men who have devoted their days and nights to visiting the low-bowed roof, alleviating their distresses, and ministering to their wants, physical, moral, and intellectual. They tell you that the withering curse which blasts the prospects and deepens the gloom of the poor, is the purchase and use of ardent spirits; that the poor themselves are aware of it, and that very many

of them ardently desire to be delivered from the temptation that lures them to their ruin. Sir, the real ground of objection to this law is that it seeks to restrain the rich from using their property to the injury of the community in general, and the poor in particular. Disguise it as you will, that is the real struggle here. And yet they attempt to enlist the sympathies, the passions, the pride, and the appetites of the poor on their side, in opposition to the law.

But let us look at this objection more closely. The complaint is that the *operation* of the law is unequal: that by limiting the quantity to 15 gallons an obstacle is presented in the way of indulgence, and that the rich man, by means of his property, can more easily overcome this obstacle than the poor man who is destitute; that the one can and the other cannot purchase 15 gallons. And who are the poor who have not credit or means to raise 5 or 6 dollars to buy 15 gallons of spirit? Is there an able-bodied man in Massachusetts, unless he has been reduced to pauperism or the verge of pauperism by this same vice of intemperance, who cannot at pleasure purchase that quantity? The Memorial speaks of the poor who are trained by circumstances to abstinence and self-denial. Sir, there is not one of that class who would be disabled by this law from purchasing. The real ground of apprehension is not that the poor man *cannot*, but that he *will not* purchase 15 gallons. When you present to him the appalling aggregate at once, he will start back; he will pause, reflect, and refuse; while he might by degrees have been lured on, day by day, drop by drop, and gill by gill, until he had unawares, in a single year, spent four times the amount of 15 gallons.

Notwithstanding all that has been said of its inequality, this, in truth, is the most equal law ever passed on this subject. It makes fewer discriminations. All may purchase or sell over 15 gallons, none less, except for medicine and the arts. Compare it with the *License* law which the memorialists ask you to restore; for if you yield to their demand, and repeal this, the former law is, of course, revived. That, sir, made great distinctions as to *persons*. The unlicensed were all prohibited to sell; the licensed enjoyed a legalized monopoly, which might be granted or not, according to the judgment, caprice, favoritism, or prejudice of certain officers. And of the licensed themselves, some might sell to be drunk on the premises, others not; some were required to provide accommodations for travellers, others not. Then some whole classes of persons were absolutely precluded from purchasing, even from the licensed, particularly "minors and servants." Servants! was this no distinction between the poor and the rich? The man of wealth might enter his gorgeous carriage, with one servant before and another behind it, drive to the public hotel, and there spend his days or nights in every indulgence, while his poor servants, waiting his tedious behest, could not be permitted one draught even, of those liquors which gentlemen are so anxious to bestow on the poor. Again, as to *quantity*. The former law carried up the prohibition to 28 gallons, as to all the unlicensed. And then what a practical discrimination between *counties*. In one half, licenses were granted, in the other withheld. On one side of an imaginary line, spirits might be bought and sold by retail, on the other not. This inequality was loudly complained of, and two years since, as you well know, sir, memorials and petitions were poured in to the Legislature, particularly from the counties of Norfolk and Bristol, praying to be relieved from these obnoxious distinctions. Then the demand was for a law that should be uniform throughout the Commonwealth. Well, sir, you passed such a law—and now these memorialists require you to repeal it, and thus restore the old law, and that for the sake of equality!

This law is denounced as unequal, because the obstacle which it presents to hurtful indulgence can be more easily overcome by those who have property than those who have not. And is this a new operation of law? Is it

not the same with almost every restraint of legislation upon passion, appetite, will or desire of every kind? Consider that whole numerous class of restraints by fines, where acts are prohibited, under pecuniary penalties; which a rich man can meet with ease, but which consign a poor man to the precincts of a gaol. Lotteries and gambling houses are prohibited under penalties of $2000. In the former License law there were no less than eleven distinct penalties, varying from 5 to 100 dollars. In the two chapters of the Statutes before referred to, for preservation of birds and fish, and in that, too, for the regulation of trade, in which are prohibitions as to that long list of articles from beef and pork down to bark and charcoal, the punishments are all merely pecuniary. Such penalties pervade your statute book, and have existed during our whole history. So, too, of the fines for non-performance of Militia duty. Do they bear equally upon the rich and the poor? Then, again, as to the requirement of bail. Two men are suspected of the same offence—but one by his property gives bail, and is at large among his friends; the other, being destitute, is compelled to submit to confinement in gaol. Does not this same objection of inequality apply to your tariff laws? The poor man has a taste for a coat of foreign manufacture; he does not wish to be confined to homespun. But the tariff may increase the price some ten or fifteen dollars, an obstacle serious, perhaps, to him, but trifling indeed to the rich. Look even to the Constitution—the qualifications for office. Can the poor man show his 300 or 600 pounds qualification for the Senate, or his 100 or 200 pounds to render him eligible to the House of Representatives, or a thousand pounds to make him a candidate for Governor or Lieutenant Governor?

Nay, come directly to the subject of passion and appetite. A man of property chooses to indulge what the phrenologists would call his organs of combativeness and destructiveness—he knocks down a poor man in the street; he is then carried before a court of criminal jurisdiction, fined forty or fifty dollars, pays the money, and turns upon his heel and walks off with the curl of contempt upon his lip. A poor man is insulted by a rich one, knocks him down, is carried before the same court, fined the same sum, has not the means to pay, is forced into gaol and there confined, to the ruin of his health and the beggary of his family. Take even that desire which has been imparted by the Author of our being for the continuation of the species; not an artificial, but a natural and necessary appetite. As to this, too, you give the law. What you permit is *lawful*, what you forbid is *unlawful;* and you absolutely inhibit its indulgence, unless a man will take to himself a wife, to be supported, not 15 years merely, but for life. Is this obstacle to indulgence equal to the rich and the poor? By the one it is easily overcome; to the other it is often insurmountable. And would these gentlemen ask you to deal out matrimony in smaller doses; to render it *lawful* for a man to take a wife for fifteen years or fifteen days! So as to the support of children, the law knows no distinction as to persons; but under its operation the poor man is reduced to privation, want, and incessant toil, while to the rich it brings no inconvenience whatever.

Sir, you can scarcely impose an obligation or a restraint, or make any law whatever, that may not be more easily sustained by the rich than the poor. Under your whole legislation—by the whole structure of civilized society, property always has given, and always must give, advantages to its possessor. And are we now to be told that this is a new and dangerous principle, affecting personal liberty?

The Constitution secures the enjoyment of property, and these memorialists are themselves among the most strenuous asserters of its immunities. Yet adopt and carry out this new notion, that it should give no advantage under a government of laws, and you would divest it of its essential attributes—it would cease to be property. Let the Legislature begin to carry out this doctrine practically to its legitimate results, and thus to equalize the con-

dition of men by destroying the benefits of property, and these gentlemen would start back with horror at the spirit themselves had conjured up—they would tremble in every joint and exhibit terror in every lineament, as did the revellers in Babylon when they saw the hand-writing upon the wall.

The memorialists choose to call this a law against *appetite*, and thence to infer that it must be wrong. They delight much in particular names and phrases, as if conduct, injurious to society, can be withdrawn from your jurisdiction, by giving the impulse that produces it a particular name. The new law imposes no penalties upon the purchaser or consumer. How then is it a law against appetite? No otherwise, certainly, than as it presents some obstacle in the way of indulgence; and this all former laws have done. The difference in this respect is only in mode or degree. But may you not restrain appetite whenever the good of society requires it? A wretch has an appetite for the wife or daughter of one of these memorialists—may he not be restrained? Or for their rich viands or any one article of their property—should the law put no curb upon his desires? A hungry man has an appetite for bread; may even he take a tempting loaf from a baker's cart? Have you not always restrained the appetites or passions of lust, revenge, and avarice? There is a whole chapter in the Revised Statutes entitled "Offences against chastity, morality and decency," in which lewdness in its various forms, profanity, drunkenness, and other effects of passion and appetite, are made unlawful and punished as crimes.

Again, this Memorial puts forward the word *espionage*, and denounces the law as introducing a new system of espionage upon domestic acts. In the first place, is this true in fact? It prohibits no domestic act, and prescribes no investigation or inquiry. The only ground for this assertion is that it authorizes spirits to be sold to be used as medicine or for the arts, and it is inferred that you may prove whether it has been so used or not. It resolves itself into this, that you may perchance obtain evidence to show what a man has done in his own house. And has this not always been so? May you not in any suit at law, civil or criminal, call a man's most confidential friends, and even his servants and children, to disclose what has taken place at his own fireside; to state every word that has there been uttered, to see whether he has been conspiring with others to offend, or has admitted an offence, or made a contract, or confessed a debt? Nay, more, may you not enter his secret chamber, and look into his most tender and delicate relations, to ascertain whether he has more wives than one, or if the woman he lives with be his wife, or if his children be legitimate?

Compare this law with the former. That required the selectmen to give a certificate of good moral character to licentiates, implying authority to inquire into their whole lives. Some might, and others might not, allow spirits to be drunk in their shops or houses, carrying authority to ascertain that fact by proper scrutiny. But the most striking provision of the former law was that of the 14th Section, by which the selectmen of the town were authorized to ascertain whether any person, by excessive drinking, was so lessening his estate as to expose himself or family to indigent circumstances, or so as greatly to injure his health or endanger the loss thereof, and if so, to forbid all licensed persons to sell him any spirituous liquors. Now mark the inquisition that is thus to be made by the selectmen. In the first place they are to ascertain how much a man drinks in his own closet, not once or twice, but day by day, and year by year. In the second place they are to look into his pecuniary affairs, to see what property he has or is likely to have, how far he is spending the same, or may be exposed hereafter to indigence. And, thirdly, they are to inquire into his health, past, present and prospective, what are his constitution, habits, diseases or predispositions, and to decide whether he is likely to be greatly injured or endangered in his

health. And having done all this, they may at their pleasure forbid all persons selling spirituous liquors to him, thus cutting him off entirely from that indulgence which is allowed to others. Show me any thing like this, or that approaches to this, in the present law, either in the inquisitorial power it creates, or the discriminations which it authorizes.

Another objection of the memorialists is, that the law punishes an offence in inverse ratio to magnitude—that it assumes that the sale of spirits is a crime, and then punishes it only when little.

It assumes no such thing. It *makes* the sale, to a certain extent, a crime, leaving the residue lawful. The memorialists must have known, if they had taken any trouble to enquire, that the limit of fifteen gallons was not made on any such assumption, but to conform in quantity to the laws of the United States. But who does not see through the flimsy texture of this objection? If the selling in small quantities be noxious, may you not restrain it, although you do not prohibit the selling of large quantities, from which there may be less danger of injury? May you not stop the selling of drams, although you allow it in casks? There is a law against carrying concealed weapons, but none against conveying them in quantities. Why not raise an outcry against this—the restraining a man from carrying a single pistol, but not from carrying a cart-load of pistols through the street? In the Isle of Man there was no law against stealing an ox, but there was against stealing a fowl. The reason of this was—not that they meant to punish crime in an inverse ratio, but because in that small community an ox could not be concealed, and there was no danger of the offence. Suppose in Virginia they should pass a law that slaves should not be sold singly, though they might be by whole families. Would the memorialists cry out against it, because, from motives of obvious humanity, it would not allow a single child to be torn from its parents, although it permitted parents and children to be all disposed of together? Congress prohibits importation in less than fifteen gallons, in order to prevent the crime of smuggling, and why have they not proclaimed that Congress assumes that importing is a crime, and prohibits it only when little, allowing it when great? All our former laws upon this subject, even that which the memorialists seek to revive by the absolute repeal of this, are obnoxious to the same objection. They proceed on the ground that the unrestrained sale of small quantities is more likely to be injurious than that of large, and they extend the prohibition to twenty-eight gallons, to all except licentiates.

I have now gone through with the more important parts of this discussion—the constitutionality of the law, and its harmony with the fundamental principles and legitimate powers of free government.

I proceed to consider the only remaining question, *can the law be enforced?* Can the law be enforced?

That, sir, depends upon the questions already discussed. If the memorialists are right in their premises, if this law be a violation of the Constitution or of the fundamental principles of free government, then it cannot and ought not to be enforced. But if, on the contrary, we are right—if it be consistent with the Constitution and with sound and just principles of legislation, then, sir, the People will demand the immeasurable benefits of this law, or of some one of the same import. They will see the truth and act upon it. The public mind is excited; it has taken hold of this subject, and will master it, and finally settle down upon sound conclusions.

The people may be deceived as to matters of fact, especially those of transient interest, because the vehicles of information may falsify; but not so as to the principles of free government. Upon these they ponder well, and are sure, in the end, to form a correct judgment. If this law be right, it can be enforced. No true republican will say otherwise. To doubt it would be a

libel upon the People. It would be to deny their capacity for self-government: for if a law, correct in principle and of immense public benefit, cannot be maintained in this Republic, it must be because the People have not intelligence enough to see the truth, or virtue enough to act upon it. And how would the minions of despotism triumph at such a confession. I have a firm, settled, undoubting conviction, that the People of Massachusetts are capable of self-government; and, believing this, I cannot doubt that a just, sound, and salutary law will be by them effectually enforced.

But we are told that we should rely on moral suasion. Moral suasion, sir, has done its office. There are strong-holds which nothing but the arm of the law can shake. There are depths of corruption which nothing but the probe of the law can reach.

Moral suasion has done its office. It has already carried this reform as far as it can progress without a change of the law. It is a profound observation that the morality of no people can be maintained above the morality of their laws. Their institutions are an index of their sentiments. Reason, observation and history all teach us this. While gambling-houses were licensed in Paris and New Orleans, that vice could not be there made disgraceful; and where prostitution even has been licensed, as in some parts of Europe, it has been there viewed in a very different light from the abhorrence with which we regard it. Where polygamy is lawful, a plurality of wives is reputable. If we recur to the history of Rome we learn that public brothels were there tolerated, with the inscription "Hic habitat felicitas" glaring upon their front, as may even now be seen in the ruins of Pompeii, and at the same time public exhibitions of mortal combats by gladiators, and of human victims thrown to wild beasts, were common amusements of the people. And what was the effect upon morals and manners?—A combination of the extremes of luxurious licentiousness and ferocious barbarism. The laws of a country may reconcile public sentiment to crimes even the most abhorrent to our nature, to murder itself, nay, to the murder of one's own offspring! Where infanticide is allowed people look on and see parents destroy their own children, not only without remonstrance, but without emotion.

Extraordinary efforts, or the impulses of a particular occasion, may, for a time, carry up public sentiment to an elevation above that of legal institutions; but the laws must either be changed to come up to public sentiment, or public sentiment will be brought down to a level with the laws. We have, in our own country, an eminent illustration of this truth. During our Revolution the spirit of liberty ran high; the foundation of human rights was explored; republican institutions were established; and the first assertion of the Declaration of Independence was that "all men are created equal." It was seen and felt that domestic slavery was inconsistent with the original, inalienable rights of man. In this section of the country we acted upon this conviction. In Massachusetts, Connecticut, New York, and throughout the North, the institution of slavery was abolished, and the consequence has been that the moral sentiment of the community, here, has been maintained at the elevation to which it was then raised. At the South obstacles intervened to prevent their acting up to that conviction; slavery continued to be established by law, and the consequence has been that the feelings and sentiments of the community have subsided to a level with their institutions, and we now see their statesmen, lawgivers, and highest magistrates proclaiming that negro slavery is a moral and political good. Then some of the most distinguished men, and Mr. Jefferson in particular, spoke of it in the strongest terms of moral condemnation, without, in any degree, affecting their popularity; now a statesman there, who should hold the same language, would not only seal his political doom, but might even endanger his personal safety.

So it will be here.

The temperance reform has been carried to its present point by extraordinary efforts. The license laws prevent its further progress. They give respectability and strength to the traffic in spirits. Persons wishing to be licensed present their petition, in the first instance, to the selectmen of the town; and the 23d section of the Statutes prescribes the kind of certificate which they shall give him. I beg you seriously to consider its import and its necessary effects. It first states the petition, and then proceeds thus: "After mature consideration had thereon, at a meeting held for that pur- "pose, at which we were each of us present, we are of opinion that the *pub-* "*lic good* REQUIRES that the petition of the said —— —— be granted, he "being, to the best of our knowledge and belief, a person of *good moral char-* "*acter*." With this document he proceeds to the County Commissioners, who again examine the subject, and after due consideration they pronounce their judgment, by virtue of the 17th section, that the *public good* REQUIRES that the applicant should be licensed to sell ardent spirits, and they give him an official document accordingly. Thus commissioned, in effect as a public officer, with the decision of the fathers of the town and the high magistrates of the county that the public good *requires* he should carry on the business of selling ardent spirits, how can you make that business infamous or even disreputable? May he not boldly challenge that his occupation is not only legal, but moral; that he is acting the part of a good man and a patriotic citizen, in meeting the requirements of the public good?

Change the law, and you change the whole character of the traffic. The immediate effect will be, as stated by the counsel for the memorialists, to drive it from the hands of respectable men to those of the vile and abandoned. And this is the first great step towards its entire suppression. Sever it from the men of character, respectability, influence and property, and you will then have it more completely in your power. What has been the great obstacle heretofore to the complete execution of the laws? The respectability given to the traffic by the character and standing of the men engaged in it under the sanction of the law. This is not only palpable in itself, but directly shown by evidence. The Mayor and the City Marshal of Boston tell you this, and that there are here nearly as many unlicensed as there are licensed retailers, and the difficulty of suppressing them arises from the state of opinion, the diversity that exists among respectable men. And Mr. Huntington, the District Attorney for Essex and Middlesex, testified in the strongest terms to the pernicious effects of the license law in strengthening the traffic and arresting the progress of salutary opinion. Hitherto men of character and standing, good citizens, estimable in all the relations of life, have been extensively engaged in this traffic. They have the confidence of the community and the sympathy of friends, and rally in support of their business a formidable array of respectability, wealth, and influence. Change your law—sever these men from the traffic—drive it into the hands of the vile and the lawless, and you will have disarmed it of its power. Then these very men, relieved from the bias of self-interest, will unite with us in condemning and suppressing it. Then, sir, we shall not again witness the painful spectacle which has here been presented—men of respectability declining to tell you the truth, lest they should thereby furnish the means of discovering violators of the law; and this from a feeling of honor or a sense of obligation to their customers. But ought not honorable men seriously to reflect whether they should voluntarily place themselves in such a position; whether they should contract relations that will not bear the light of day; whether they should bring themselves so nearly in contact with criminals? Is it not matter of solemn reflection, when men who have wealth and reputation, and wives and children, to be protected by the law, who owe every thing they possess and all they can hope to its all-pervading guardi-

anship, come here, in this hall devoted to legislation, before you, the lawmakers of the Commonwealth, and deliberately declare that their daily business associations are such that they must screen and conceal habitual violators of the law?

These gentlemen urge us to rely on moral means only. They are friends of temperance; it is a noble cause; they are anxious for its success; they have heard the arguments, contemplated the facts, and are convinced that intemperance is an enormous evil—*but are resolved to continue the traffic;* and say to you, don't bring upon us the law—that we can't bear, that will drive us from the trade—use towards us moral suasion only! Sir, if they are real friends of temperance, why don't *they* use moral suasion? And when they shall have persuaded *themselves*, they will have made an auspicious beginning.

The counsel of the memorialists has labored much to show that intemperance has of late years increased. If this were so, if the cause of temperance is indeed retrograde under the influence of the old law, the new not having yet gone into operation, it would demonstrate the truth which I have already urged, that moral means could carry this reform no further; that its progress had not only been arrested, but turned backward by the adverse influence of the license law. It would demonstrate the necessity of new legislation. But the friends of temperance are not at liberty to avail themselves of this argument, strong as it is, because they do not believe it founded on fact. And I shall proceed to examine the evidence which has been adduced. But before I do so, I must bestow a passing remark upon the statistical statements made last evening in the closing argument of the counsel, which we have never had any opportunity to inspect.

From those statistics the counsel first showed that *crime* had not increased for some years past, from which he argued that the license law had worked well, and that there was no occasion for new legislation. He then showed that *pauperism* had increased, and thence argued that the license law had not worked well, and arrived at the same conclusion that there was no necessity for the new law. The comparison which he instituted as to pauperism throughout the Commonwealth was between the years 1837 and 1838, there being no complete returns before that time. It appears that the whole number of paupers in 1837 was 14,099, and the expense of supporting them $306,589; that in 1838 the whole number was 16,069, and the expense $325,088, being an increase of only about seven per cent. Whoever recollects the pecuniary distress and general paralysis of 1837, will be at no loss to account for this increase of pauperism. The banks suspended payment on the 12th of May, business was generally arrested, and thousands of the industrious poor were thrown out of employment. It is matter of surprise, not that pauperism increased, but that it increased so little. It was by no means proportioned to the distress of the community. The counsel himself did not seem to be satisfied with his own course of reasoning, for he declared that "there must be something else at the bottom of "this, besides intemperance;" and although he admitted that intemperance was the cause of pauperism, yet he said, that, from his statistics, he could make a stronger argument to show that temperance made paupers than the reverse! Is it not surprising that when he found himself involved in such difficulties he had not seen the plain and palpable solution in the distress of the times, which threw so much of want and suffering upon the winter and spring of 1838?

I now proceed to the evidence. In order to show that attempts to enforce the old law had been unsuccessful, the counsel for the memorialists read the county balances, that is, the sums paid by the State to the various counties, for several years last past, and, as the amount had increased, he

conjectured that it was owing to prosecutions under the license law, and thence inferred that those prosecutions had been very unsuccessful and very expensive. Why should the counsel conjecture that the increase was owing to that particular item rather than the various other sources of expense which go to make up the balances? Why make loose guesses and then jump at a conclusion instead of appealing to the records? Let us go to the records. By the official report of the Attorney General it appears that the convictions and acquittals in cases under the license law from 1834 to 1838, inclusive, were as follows:

	A. D. 1834.	A. D. 1835.	A. D. 1836.	A. D. 1837.	A. D. 1838.
Whole number of convictions,	160	167	165	135	196
Whole number of acquittals,	7	12	5	2	10

These are the results of trials, where the accused saw fit to put himself on the defence, and to hold out to the last. But Mr. Huntington informs you that in a great many cases no defence was made, but the party pleaded guilty. We have another official table, exhibiting the results of prosecutions under the license law, for two years ending 1st of January last. It is an abstract of the returns made by clerks of all the counties, under an order of the Senate, at its present session. It is as follows:

For the years 1837 and 1838.

Whole number of prosecutions under the license law,	645
Guilty,	401
Not guilty,	61
Not pursued,	90
Pending,	87

There is some discrepancy in the number of acquittals in these two official statements; but if we take the largest, that which has been recently made directly to the Senate by the clerks themselves, it still presents a wonderful degree of success in these cases—a success not equalled in any other class of public prosecutions. But let us look at the expense; it is said that these prosecutions have been burdensome to the people. How is the fact? It is to be borne in mind that the costs, when not collected of delinquents, are paid by the Commonwealth, while the fines imposed go to the benefit of the counties.

The following facts have been ascertained as to the years 1837 and 1838.

In Middlesex, the amount of costs paid by the Commonwealth was $178 56; the amount of fines received by the county was $1300, being a net gain of $1000. In Essex, the amount of costs paid was $81,39; the amount of fines received was $275. This is exclusive of costs paid in consequence of the law being repealed, and thereby terminating cases pending. In Bristol, the amount of costs paid was $94,00, and the amount of fines received is stated to exceed $1000; but our information is not so precise as to enable us to state the exact sum. We have not been able since this inquiry commenced to obtain further returns, nor is it necessary. Mr. Huntington testified that so far from being burdensome to the people in the payment of costs, it was actually a source of income by means of the fines, and so it appears by the returns above presented. So much, sir, for the assumption that attempts to enforce the law by legal process have been unsuccessful.

The counsel for the memorialists, in order to prove that intemperance has increased, and to exhibit the comparative effects of granting and withholding licenses, introduced evidence,

1st, as to the prohibited counties, so called, that is, those where the Commissioners have granted no licenses;

2d, as to the County of Suffolk, where licenses have been granted; and

3d, as to the Commonwealth at large.

Before I proceed to the evidence, I would advert for a moment to certain statements made, for the first time, last evening, in the closing argument of counsel. Although we have had no opportunity whatever of examining them, yet I could not but be struck with the manner in which the counties were arranged in order to bring out the results. The object was to prove that pauperism, in 1838, had increased in the prohibited counties more than in the others. Now, sir, it has been already shown that the increase of pauperism, in 1838, was owing to the prostration of business and general distress of the times, and not to intemperance. And this is confirmed by the fact that the greatest increase was precisely where there was the greatest commercial distress—on the sea-board. And the counties which he classed as prohibited, bordered, every one of them, more or less, upon the ocean, comprising the whole sea-board of the State, from Rhode Island to New Hampshire, with the exception of Suffolk and the town of Charlestown; while all the interior counties were put into the class of licensed. In the County of Hampshire no licenses had been granted except to taverners. In Essex licenses had been granted to taverners, and also in the city of Salem. Yet Hampshire is classed among the licensed, and Essex among the prohibited; Hampshire being in the interior and having very little comparative increase, while Essex, with a great extent of sea-board, had a proportional increase of pauperism. We were told that figures won't lie. That is true, sir, provided you *place them right*—but very much depends upon the manner in which they are placed.

In looking at the practical operation of prohibition in those counties in which licenses have been withheld, it is obvious that the experiment has, thus far, been tried under great disadvantages. In the first place, the counties around them, and especially this great reservoir, Boston, sanctioned the selling by retail as well as wholesale. In the second place, the general law of the Commonwealth authorized licenses for the "*public good*," and thus sustained the general respectability of the traffic, and rallied around it an array of wealth and influence. The countenance and support of dealers of character and standing in Boston extended their influence through every county, and especially those whose business connexions were most intimate with this city. And then the same general law being *administered differently* in one county from what it was in another, caused a feeling of restlessness, or perhaps resentment, to some extent, unpropitious to its fair influence, but which would not have existed if the law and its administration had been uniform.

Still, with all these disadvantages, what has been the practical operation in these counties?

The first mode by which the counsel proposed to prove the increase of intemperance in the prohibited counties, was by evidence of *the quantity of spirits sent there from Boston.* For this purpose they introduced but one witness, Mr. Bradley, an importer, who spoke only as to Nantucket and New Bedford, and testified that *his* orders for spirits to be sent to those places had never been great, but had lately been *less* than formerly; that from mere casual observation, in passing up and down Central wharf, he should judge that as much was sent by packets to New Bedford now as formerly, but that there had been a great falling off to Nantucket. Beside this, they *offered* to prove that certain quantities had been sent in the year 1838. This evidence was not put in because the witnesses did not choose to conform to the general rule of evidence to testify to the whole truth. But as much use is attempted to be made of this *offer*, it is to be borne in mind that it was confined to the year 1838, and that it was not even proposed to show what was sent in any former year. The question is one of *comparison*—of increase or decrease from year to year, and yet they offer evidence as to one year only, leaving you to guess that it was not so

much before. Sir, the consumption of spirits heretofore has been enormous. At the commencement of the temperance reform, it averaged four gallons a year to every man, woman and child in the United States! The whole quantity consumed in any county in one year is indeed terrific, and would be deemed incredible to those who have not examined this subject: they would be ready at once to conclude that it never could have been so much at any other time. Hence the policy of presenting the last year alone.

The counsel for the memorialists told you last evening that this evidence which they had offered, but not introduced, had become of comparatively little importance, because the same facts had been shown by our evidence—that we had proved by Capt. Taber that the quantity of spirits sent to New Bedford in 1838 was about the same as they had offered to show. Be it so. Let us then recur to the testimony of Capt. Taber. He testified that there were but four regular packets between Boston and New Bedford; that he was the clerk who kept the accounts of three of them, and those the principal ones; that the quantity of spirits conveyed in them from Boston to New Bedford in the year 1836 was 1711 barrels, in 1837—1537 barrels, and in 1838—1216 barrels; a great diminution. But this is not all. Capt. Macomber, also from New Bedford, as well as Capt. Taber, testified that they have been acquainted with the trade in spirits there, and that much was formerly brought to New Bedford from New York and Rhode Island, but that the importations from those places had very much diminished, and indeed had now almost ceased. So much for the quantity conveyed to those places.

The next species of proof resorted to was the *visible effects, the external appearances exhibited in the prohibited counties.* To this point they introduced two witnesses only, Mr. Baker and Mr. Penniman, both from Milton, who testify that that place is peculiarly situated, having the Quincy and Milton granite quarries on one side, and a small manufacturing village on the other, and that these have congregated there considerable numbers of Irish laborers, and they think that with *this class* intemperance has increased, they having new facilities for getting liquor from *Boston*.

We introduced Judge Leland of Roxbury, Col. Thayer of Braintree, Dr. Alden of Randolph, Mr. Clapp of Dorchester, Judge Wood of Middleboro', Mr. Bradley of Tisbury, Mr. Bacon of Sandwich, Rev. Mr. Perry of Bradford, Mr. Kingsbury of Amesbury, Deacon Spofford of Beverly, Mr. Bachelder of Lynn, Mr. Wells of Northampton, Capts. Taber and Macomber of New Bedford, Capt. Tripp of Fairhaven, and Mr. Huntington of Salem—sixteen witnesses—from the counties of Norfolk, Bristol, Plymouth, Barnstable, Dukes, Essex and Hampshire—gentlemen of the first intelligence and highest respectability, enjoying the best means of observation in their respective towns and counties. They testify that they have carefully attended to this subject, and that, from all they have seen and all they have learnt, they are satisfied that intemperance, in these counties, is less now than at any former period; that it has greatly diminished; none believe the diminution to be less than one half, and some state a far greater proportion. They tell you that the beneficial effects of this change are exhibiting themselves in every feature of the country; that order, peace and quiet now reign, where before were riot, tumult and violence; that the Sabbath is now held sacred, where before it was a day of revelling; that new churches are going up, new buildings erecting, and farms and dwelling-houses wearing a new aspect of improvement; that the whole surface of society reflects the cheering influences of increased temperance.

Such, sir, is the proof as to the prohibited counties.

And now let us pass to the city of Boston, where licenses have been granted. The worthy Mayor was introduced as a witness to show,

among other things, that licenses diminish intemperance. He stated that more cases of drunkenness had come to the knowledge of the police during the last year, than for several preceding years, and that this was the only fact tending to show that licenses *diminish* intemperance. Now, sir, what are the facts stated by that distinguished public officer, as to the number of licenses and the cases of drunkenness for several years past?

They are as follows:—

In the year	Number of Licenses.	Number of cases of drunkenness.
1835	300	317
1836	389	367
1837	360	444
1838	408	676

Thus we see that from 1835 to 1838 licenses had increased from 300 to 408, and cases of drunkenness from 317 to 676. And when we recollect that the Mayor stated that a *part* of the increase of drunkenness, the last year, might be ascribed to the greater vigilance of certain new officers of police, we shall perceive that the increase of drunkenness during the last four years has been just about in proportion to the increase of licenses. So much for the proof that licenses *diminish* intemperance in the city of Boston!

Our attention is next called to the evidence which was adduced to show that intemperance had increased in the Commonwealth at large. It consisted wholly of the imports into the city of Boston. The proof presented in the opening was confined to the years 1837 and 1838, exhibiting an increase of about 100,000 gallons, owing, as every body knows, to the paralysis of the former year, and the revival of business in the latter. We, on our part, then went back to 1836, and found that the importation that year was about 100,000 gallons more than in 1838, thus exhibiting a decrease. A statement was made last evening, by the counsel, of importations into Boston for some prior years. I suppose they presented a larger amount, or he would not have introduced them; but from the rapid manner in which they were read, it was impossible to take minutes, and I know not how the comparison would stand. Nor is it of any importance. The importations constitute but a small fraction—less than one sixth part of the consumption. The distilleries, the domestic distilleries, are the great fountains of evil. And how do they stand now, compared with former years? It appears, by the documents before you, that in 1834 there were, in Massachusetts, 118 distilleries, and in 1837 there were only 46. Seventy-two out of 118 had stopped. For the year 1838 the returns have not been made, but we know that the number has diminished. Indeed, you have direct testimony, from Mr. Wells, that six were discontinued in that year in the county of Hampshire alone.

This, sir, completes the review of the evidence which has been introduced upon the question whether temperance laws can be enforced, and of the practical effects of legal coercion. The result is decisive; indeed, it is all that the most ardent friends of the new law could reasonably desire.

We have been more than once reminded, in the course of this discussion, that serious divisions exist in the community. It is matter of deep regret that it is so. But upon a subject like this, of all-absorbing interest, touching every man, directly or indirectly, when can we expect it to be otherwise? If you wait for entire unanimity you can never legislate. But then it is urged that if there be a considerable minority, the majority should yield. And why so? Why, as to this subject, convert our government from a republic into a despotism, in which the few control the many? The arguments which we have heard against this law—the divisions that exist—the formidable minority—the difficulty of enforcing—the transfer of business from the respectable to the vile, are the same which have been urged against almost every great legislative reform, such as the suppression of gambling, of lotteries, and of the slave-trade.

We are threatened that there will be resistance by force. I do not believe it. I never will believe, until my own eyes shall behold it, that the moral, sober-minded people of Massachusetts will resist a just and salutary law by open violence. It is merely a rhetorical flourish.

Sir, the friends of temperance are also friends of peace. They would rejoice to see harmony restored. They are desirous of conciliation. So far as relates to particular details and precise quantities, they would not be tenacious, but cheerfully submit all that to your better judgment. But the *principles* of this law they hold to be all-important, and beseech you to maintain them with a firm and steady hand. Should these principles be abandoned—should the Legislature be driven back from the position which they have taken—then Intemperance will triumph, and sweep over us in full dominion. But if you shall decree otherwise—if you shall firmly will it—this law can and will be enforced. Its great and beneficent objects will be attained. Upon you rests the high and solemn responsibility: and may INFINITE WISDOM guide your deliberations, and INFINITE GOODNESS approve the result.

INVESTIGATION

INTO THE

FIFTEEN GALLON LAW

OF MASSACHUSETTS,

BEFORE A JOINT COMMITTEE OF THE LEGISLATURE,

WHICH BEGAN JAN. 29 AND CLOSED FEB. 20, 1839,

UPON THE

MEMORIAL OF HARRISON GRAY OTIS AND OTHERS FOR THE REPEAL OF THE LAW:

WITH THE ARGUMENTS OF

FRANKLIN DEXTER & B. F. HALLETT,

As Counsel in support of the Memorial.

PUBLISHED BY DIRECTION OF THE COMMITTEE FOR THE MEMORIALISTS.

BOSTON:

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1839.

INTRODUCTION.

It was not the original intention of the Committee who had charge of the Memorial of Harrison Gray Otis, Thomas H. Perkins, John Parker, Thomas Dennie, Nathaniel Goddard and forty-eight hundred others, inhabitants of Boston; to present to the public a detail of the proceedings before the Committee of the Legislature to whom that subject was referred; but the repeated misrepresentations made of the views of the Memorialists by those who in this unhappy division in society,—created by a busy few, the most intolerant and the least discreet,—have sunk the original benevolent purposes of this moral reform into a mere partizan struggle for a triumph in the experiment of establishing an inquisition over the consciences and appetites of their fellow-citizens, by aid of an obnoxious law; seem to render it a public duty to the present, as well as to future generations, to embody in a permanent form, the grounds of the objections to the law and the incontestible facts which were substantiated in the investigation.

It becomes the more important to discharge this duty because this great question is still open before the public for their further action, in consequence of the failure of the Legislature to repeal or modify the law at the last session, although repeated votes in both branches demonstrated that there was a decided majority against it, in its present form, and that it was not repealed solely because this majority, at the close of the session, and in the diversity of opinions, caused by a great number of different projects, were unable to agree upon a substitute.

It is also important, that while so much is published in support of the law, the reasons against it should be equally accessible to an inquiring public. The opponents of this law object to it on the highest fundamental principles of the Constitution; viewing it as reaching much deeper than a temperance reform; and as, in fact, an entering wedge, a plausible pretext for an experiment upon popular forbearance, to test

how far fanaticism and bigotry can go in getting the sanctions of law in this State to enforce particular creeds, and in reviving the long exploded dogma of persecution for opinion's sake, by virtue of pains and penalties.

They wish, therefore, to have their views fairly presented, and not distorted through the medium of prejudice and intolerance, which the advocates of the law attempt to place before the eyes of the people, whenever they are called on to look at this subject. These views will be found in the following pages, as stated in the Memorial, and in the arguments and evidence by which it was sustained before the Committee. To these positions, deliberately taken, and which will be firmly and perseveringly sustained, is now asked the candid attention of that enlightened and liberal portion of the people who have not lost their clearness of perception by looking at a single object through the narrow orifice of sectarianism and party spirit, until they can see nothing else; nor have learnt to regard the professed *end* in view as a sufficient justification of any *means*, however arbitrary and inexpedient, that may be resorted to by heated partizans, to sustain it: forgetting that temperance in legislation, temperance in the social relations, temperance in language and opinions, temperance in moral reform, and temperance in the enforcement of favorite theories, with becoming charity toward all who differ in opinion from the promulgators of new creeds and doctrines in meats and drinks as well as morals and religion, are quite as emphatically enjoined upon all good citizens as is that temperance which they suppose can be enforced only by a legally enjoined abstinence, under pains and penalties, from the temperate use of a particular beverage. In a word, the opponents of this law, as will be seen by a candid examination of the grounds taken before the Committee, oppose coercion as applied to voluntary morals, in every form; and their arguments against *law temperance*, are precisely the same in principle as have been urged in this Commonwealth, from the persecution of Roger Williams to the present time, against *law religion*. The flippant retort of the temperance zealots, which is their most ready and efficient argument, that the opponents of this law want *rum liberty*, is just as sound, and no sounder, as was the like argument of the persecuting bigots who prayed for laws to hang Quakers and banish Anabaptists, that the opponents of those detestable laws wanted *atheistical liberty*. We want that Liberty wherewith God and the Constitution have made us free, and he who surrenders it at the call of fanaticism, in a single point, be it in meat or drink, mind or matter, body or soul, is recreant to the principles and faith of those who won it, and is prepared to surrender the whole, whenever the tyranny of despotism or the intolerance of bigotry demands the sacrifice.

Boston, August 1839.

INVESTIGATION

INTO THE

FIFTEEN GALLON LAW

OF MASSACHUSETTS.

The law against which the Memorialists protested, was passed the 19th of April, 1838, and is as follows:

An Act to regulate the sale of Spirituous Liquors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sec. 1. No licensed innholder, retailer, common victualler, or other person, except as herein after provided, shall sell any brandy, rum, or other spirituous liquors, or any mixed liquor, part of which is spirituous, in a less quantity than fifteen gallons, and that delivered and carried away all at one time, on pain of forfeiting not more than twenty dollars, nor less than ten dollars, for each offence, to be recovered in the manner and for the use provided in the twenty-sixth section of the forty-seventh chapter of the Revised Statutes.

Sec. 2. The County Commissioners in the several counties, may license for their respective towns, as many apothecaries or practising physicians as they deem necessary, to be retailers of spirituous liquors, to be used in the arts, or for medicinal purposes only; and the mayor and aldermen of the several cities may, in like manner, and for like purpose, license apothecaries, as retailers for their respective cities; and the Court of Common Pleas in the County of Suffolk, in like manner, and for like purposes, may license apothecaries or practising physicians, as retailers in the town of Chelsea; which licenses shall be granted in the same manner, and under the same restrictions now provided by law for licensing retailers: *Provided*, That the number of persons so licensed shall not exceed one for every two thousand inhabitants, and in towns containing less than two thousand inhabitants, one person may be licensed: *And provided, further*, That in such cities and towns where there is no apothecary, or practising physician, such other person or persons may be appointed as aforesaid, as may be deemed proper by said County Commissioners; and no person, so licensed, shall sell any spirituous liquor to be drunk in or about his premises, on pain of the forfeiture provided in the first section of this Act.

Sec 3. All licenses hereafter granted to innholders, retailers and common victuallers, shall be so framed as not to authorize the licensed persons to sell brandy, rum, or any other spirituous liquors; and no excise or fee shall be required for such a license.

Sec. 4. The provisions of all laws now in force, inconsistent with this Act, are hereby repealed.

Sec. 5. This Act shall take effect on the first day of July next, but shall have no operation upon any licenses granted previous to that time.

[Approved by the Governor, April 19, 1838.]

MEMORIAL

To the Senate and House of Representatives in General Court assembled:

When a law has been enacted involving a new and dangerous principle in legislation, unequal in its operation, at best of extremely doubtful constitutional right, inefficient in promoting its professed end, and tending to endanger a good moral cause, by exciting opposition and stirring up division as to the means for promoting that cause, in communities where all good citizens were desirous to have a thorough reform in habit, and appetite effected by moral persuasion; it becomes the duty, as well as right of the people to ask of their public agents, the repeal of such law.

For these general reasons, the undersigned respectfully ask for the repeal of the law passed at the last session, entitled "An Act to *regulate* the sale of Ardent Spirits."

The title of that Act, we submit, is a misnomer, for instead of *regulating*, as all acts on this subject have hitherto assumed to do, it entirely *prohibits*, in any form or under any circumstances, to be used except in the arts or for medicine, the sale of any liquid, "part of which is spirituous," unless sold to the extent of fifteen gallons, to be all delivered and carried away at one time.

The question is not whether this law, if enforced, might or might not promote temperance, but whether in its application to a particular description of property and to the free agency of the citizen, it does not contravene all sound principles applicable to the possession, use, and enjoyment of property as a whole, and the exercise of plain personal and domestic rights that lie at the foundation of free Government. It is not a question merely affecting morals, but the highest constitutional guarantees of property and individual liberty.

We ask for the repeal of that law, on these grounds, for the following summary of reasons:

Because it assumes to prescribe the particular uses to which property lawfully acquired shall be put; prohibiting a use lawful in itself;—thus following the article when sold to the home and the closet of the citizen who buys, and instituting a new system of espionage upon his domestic acts.

Because the paramount laws of Congress authorize the importation of this article of marchandize and its incorporation into the mass of property, all of which is under a regulation of commerce, which power is wholly ceded to the United States by the States, and therefore no State can prevent such importation and incorporation into the mass of property.

Because when so incorporated it becomes like all other merchandize or chattels lawfully acquired, a part of that property which the Coustitution of this State secures to every citizen, and guarantees to him "the right of acquiring, possessing and protecting," and in the "enjoyment" of which property, like all other, the Constitution says "each individual has a right to be protected by Society."

Because to proscribe by a State law, any particular description of merchandize which under the United States Constitution becomes the lawful property of a citizen of this State, and withhold from it the right of "enjoyment" secured to *all* property, on the ground that excess in the use of it is injurious to Society; is as manifestly an evasion of the guarantee of property rights, as it would be to deny the constitutional protection to jewels, plate, equipage, or any article of luxury, the excessive use of which, or its use at all by the poor, tends to demoralize and impoverish a community.

Because when the Constitution of this State and of the United States were adopted, the chattel now deprived of the most essential quality of property by this law, was fully recognized as possessing all the immunities attaching to other property; and hence it being the subject of lawful property under the supreme law of the land, for a State to deprive it of value by denying to it sale and transfer, is an act of Nullification of the laws of Congress, rendering the right of importation useless by destroying the right to sell.

Because, by thus singling out and virtually confiscating one species of property which one portion of Society believe it is unsafe for another portion to hold, except in large quantities, an arbitrary and despotic precedent will be established, by which the sacred right of acquiring, possessing and enjoying property, may be narrowed down to the mere will of a majority of the Legislature for the time being, as to the kinds and quantities of property they may think it safe to let the citizens enjoy.

Because the arguments in support of this law, drawn from the legal suppression of gambling, lewdness, lottery tickets and drunkenness, are not applicable to a law which prohibits the sale from any and all citizens to others, of a specific chattel or property, imported and incorporated into the mass of property under the sanction of the paramount laws of the land.

Because it assumes that the sale of a particular article of property lawfully acquired and held, is a crime, and then only punishes the alleged offence when little, but legalizes it in large quantities, thus contravening the plainest principle of right, by punishing crime in the inverse ratio of quantity.

Because this law in effect confiscates property lawfully acquired, in the hands of the purchaser from the importer, and annuls the importation laws. Hence if a State cannot directly prevent an article being imported and sold to its citizens in the first instance, would it not be unworthy a Legislature to adopt any evasive or cunning device to effect indirectly what the constitutional compact and the public faith due to the National Laws, prohibit being done directly.

Because, so long as the supreme law attaches to this article the right of being lawfully acquired, there can be no just distinction made as to the enjoyment and use of this right, beyond its abuse and the mere regulations of police, which does not apply to all other property in the hands of the citizen.

Because, if the Constitution of the United States does not prevent a State from passing any law, however arbitrary, for regulating its internal commerce between citizens, the Constitution of the State protects the citizen in the enjoyment of all lawfully acquired property, and to abolish the sale of it, is in effect a law of confiscation, because the value of property depends on what it will bring, and to abolish its transfer, abolishes its value.

Because it is no answer to this objection to say that the transfer of this property is abolished only in given quantities, but allowed, unrestrained, in larger quantities; which is only saying that if a citizen is able to acquire a great deal of property, he shall be protected in the enjoyment of its use and sale, but if he is able to acquire only a little property, he shall be punished for selling it to another, and also the individual who sold it to him.

Because the Constitution in securing the right to keep and bear arms, does not more directly involve the right to purchase, and sell such arms, subject only to proper police regulations, than does the provision that each citizen shall be protected in the enjoyment of property, lawfully acquired, involve the right of purchase and sale. Hence if the sale of lawfully acquired property may be forbidden to prevent its tendency to abuse in bad hands, may not the Legislature, should the Non Resistance Societies demand it, prohibit the sale of fire arms, in small quantities, lest they should be used in self-defence.

Because this law makes another innovation upon settled principles governing the rights of property, in prescribing for what particular purposes of domestic and private use, property shall be sold, or shall not be sold. It says that any quantity of the proscribed property may be sold provided it is to be used in arts or medicine—that none shall be sold under a given quantity, to be used for any other purpose; but that it may be sold, to any extent and for any use, over a given quantity at a time.

We ask for the repeal of this law, then, as a dangerous precedent affecting the rights of property. We ask for that repeal, further—

Because it is a departure in principle from the uniform course of legislation upon this subject, under the Constitution, which has been to regulate and not to prohibit; former laws being founded on a matter of police, to govern places of resort, preserve order, and punish actual violations of law.

Because it is a false principle in penal enactments to punish an act, not criminal in itself, on the ground that it tends to crime in another, while at the same time the law freely furnishes this tendency to crime in large quantities, and only prohibits it in smaller.

Because the law is founded on another position as false as it is unjust, viz: that the moral sense is not as strong in the poor as in the rich, and that the former cannot without restraining laws, resist temptations that may be safely presented to the latter, without injury to the common good; thus assuming the odious distinction that the Legislature must take care of the poor, by guarding them against temptation, while the rich may be safely left to take care of themselves.

Because it is a libel on humanity to assume that the poor must be restrained in appetite and the rich indulged, when in fact it is the industrious classes with small means, who are trained by circumstances to self-denial and abstinence; while the rich are more exposed, from habit and means, to excess in indulgence.

Because it is a sumptuary law against appetite, always odious in any form, but especially so in this case, where, instead of restraining the luxury of the wealthy, it is aimed exclusively against the appetite of the poor, and freely indulges that of the rich; thus infringing the spirit of that provision which declares that the Constitution was expressly framed "to provide for an equitable mode of making laws."

Because voluntary principle is the only safe reliance in a free government, for the support of religion and the advancement of moral causes; and the professed object of this impossible law, viz: the suppression of appetite in a particular class, is as much beyond the reach of penal laws, as are the conscience and the internal will of man.

Because it is a law against moral agency, imposing punishment not upon any crime or offence, but upon an indulgence in appetite that may lead to crime.

Because the argument that Society has a right to prevent pauperism through intemperance its greatest source, no more justifies this law, than it would a law to punish any citizen who should keep or use the article at home—and, moreover, this argument is a libel on a majority of the people, in assuming that the pauperism which is engendered by intemperance, is confined to those who cannot purchase fifteen gallons at a time, while the higher classes, who indulge at their tables and sideboards, are in no danger of becoming a public charge.

Because this law is an alarming precedent, tending to revive that series of arbitrary, bigoted and outrageous restraints upon personal freedom, domestic rights and private opinions, known as the Blue-Laws of the old Colonies; and on this principle, whenever any sect in morals or diatectics happen to get a majority in the Legislature, they may pass laws to prohibit and punish all the indulgences they think proper to condemn.

Because there is obviously a dangerous tendency in the times to intemperate excess, in carrying out benevolent and noble objects of reform, which threatens to drive the sober and prudent and reflecting from all such useful associations—wherefore we conceive it is peculiarly the duty of the Legislature not to countenance a doubtful and vexed measure of reform having this tendency, and which, if persisted in, will encourage those who run into the wildest theories of moral restraint, to get up combinations and parties to force their particular creeds into the form of law.

For these, among numerous other reasons, we address ourselves to the calm good sense of the Representatives of the people. We pray them, as friends of temperance, not to endanger the healthful moral influences that were carrying forward that cause as rapidly as the condition of society would admit. We ask them not to forget that though temperance is a noble cause, Liberty and Equal laws are nobler. We assure them that this law must fail of its professed object, and will not succeed in restraining appetite which will be indulged by combinations and evasions to a greater extent than without this ineffectual attempt at restraint.

We ask them not to compel those who have uniformly sustained the moral cause of temperance and still desire its success, to rally against this measure in defence of a higher principle than temperance itself, the liberty of the citizen. Very many of the devoted, practical friends of temperance, solemnly hold this law to be a violation of fundamental principles. They deny its right, they doubt its constitutionality, they are satisfied of its inexpediency, and that it will react, and retard the cause rather than advance it. They cannot consent to do wrong that good may possibly come. They will rather wait for moral causes to operate, than force the end they wish to accomplish, at the expense of reaction and the soundest and plainest principles of Equal Rights.

Wherefore we pray the Legislature to repeal this law, and thus remove from the Statute Book, the first act of a Sumptuary law, which has been placed there since the adoption of the Constitution.

MR. HALLETT'S OPENING ARGUMENT.

B. F. Hallett opened the inquiry on the part of the Memorialists. His purpose was to present the reasons and facts on which the repeal of the law of 1838, prohibiting the retail sale of spirituous liquors, was asked for in the Memorial, and his wish was to confine the investigation strictly to the matter in hand, viz. whether the law in question ought to be repealed or not.

We disclaim the issue of Temperance and Intemperance. It would discredit the intelligence of the Legislature to treat this subject as if they desired to be instructed through a committee as to the blessings of temperance or the evils of intemperance. The question is not the evil, but the *remedy:* whether this law is a remedy for the evils that are connected with ntemperance in society, and whether it is such a law as ought to be enacted under any circumstances. I am aware that the attempt will be made on the other side, to represent the opponents of this law as the opponents

of Temperance, and thus, by making a false issue, preoccupy the favorable opinion of the Committee. In the outset therefore, I protest against this assumption; and so far as the evils of intemperance are concerned, the supporters of the law may if they choose, take our general cognovit, and thus relieve the Committee from the wide range of inquiry which that mode of treating the subject would lead to. The Memorial asks for the repeal of the Law on the very ground, among other objections to it, that it is adverse to temperance, and endangers the progress of a good moral cause. On this point we shall have much to say, and many facts to present.

The question is simply whether so long as the laws sanction the importation, acquisition and use, of this species of property; a moral act of self-denial, total abstinence from the use of spirituous liquors, shall be attempted to be enforced by a law of prohibition and penalty, or be left to moral influences under general laws of regulation. The object of all former laws on this subject has been to promote temperance, by regulating the sale to all: the aim of this law is to enforce total abstinence in a part, by prohibiting the sale to one class and allowing it to another.

The friends of the law claim an authority for its enactment under the injunctions in the State Constitution. To show that this claim has no foundation in the Constitution, it is only necessary to refer to the plain distinction between temperance and total abstinence; the one meaning a moderate use of an article of appetite or luxury, and the other an entire abstinence from such use. Temperance, when applied to any act or indulgence, implies that the virtue of temperance consists not in the absolute denial, but in the moderate use. It cannot therefore be applied to any indulgence, wrong in itself. We do not say that men should be *temperate* in gambling, vice, or crime; but that they should abstain altogether, because any participation, however moderate, is criminal. Consequently, by temperance, our fathers meant a moderate use of the luxuries of life, and as the Constitution must be interpreted by the manifest intent of those who framed it, it is plain that they never could have intended to enforce total abstinence from any description of food or drink, under the denomination of Temperance. This word which is used but once in the Constitution, is as applicable to eating as drinking, and it might with equal propriety be urged that the Constitution enjoins upon the Legislature to make laws to enforce total abstinence from all kinds of food not indispensible to life, as that it authorizes such laws in relation to drinks.

The State Constitution speaks of temperance but no where of total abstinence. The law in question is designed to enforce the latter, upon a particular class, who have not the means to get over it; and if the Constitution is to be appealed to for its sanction it must be shown that by virtue of the Constitution the enforcement of total abstinence by law comes within the province of the Legislature.

As the Constitution is so often referred to, and by a disingenuous perversion of this word *Temperance* from its true meaning, wrested into a seeming sanction of any law, however arbitrary, to prohibit the moderate use or sale of alcohol, it is proper to set this part of the inquiry to rest in the outset.

The State Constitution on Temperance.

The only use made of this word in the Constitution is the following.

"Art. 18. A frequent recurrence to the *fundamental principles* of the Constitution, and a constant adherence to those of *piety*, justice, MODERATION, TEMPERANCE and FRUGALITY, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people

have a right to require of their lawgivers and Magistrates an exact and *constant* observance of them in the formation and execution of the laws."

If this sanctions a prohibitory law against beverage or food, the "constant observance" of it enjoined, would require that total abstinence should be regarded in forming all the laws. This is sufficient to show that the *Temperance* here referred to is a quality; a virtue the opposite to excess in all things. With as much propriety might we argue that because the Constitution enjoins a constant adherence to *frugality*, therefore the Legislature ought to pass laws restraining the expenses of living, and prohibiting the sale of all unnecessary articles in housekeeping, to save people from the temptation of running in debt, getting insolvent and committing suicide. As well might we argue from this article that the *moderation* and *justice* it enjoins in the making of laws, render it the duty of the Legislature to repeal a law so immoderate and unjust as the prohibitory law under consideration. As well might we say that we ought to have an established religion by law, because the observance of piety is enjoined. The "fundamental principle" of *equality*, is the first principle to be referred to in making laws, and this principle the law of '38 violates. How then can the 18th article support it?

Another part of the Constitution relied on by the advocates of the law, is the 4th Article of the 1st Chapter in which "full power is given to make, ordain and establish all wholesome and reasonable orders, laws, statutes and ordinances, necessary for the good administration of the Commonwealth."

If this is to be construed without limit, it sets up a claim of irresponsible power in the Legislature, and abrogates the Constitution itself. If otherwise, it is begging the question to assume that this is a wholesome and reasonable law. It must not only be shown to be wholesome and reasonable, but to be "*necessary* for the good administration of the Commonwealth."—To be reasonable, it must be equal in its operation on all classes of citizens.

The 2d Section, Chap. 5, has also been pressed into the service of this law, which says,—"It shall be the duty of Legislators and Magistrates to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in dealings, sincerity, good humor, and all social affections and generous sentiments among the people."

The argument attempted to be drawn from this is, that because intemperance is adverse to the principles here recommended, therefore the Legislature must pass laws to enforce total abstinence. As well might it be argued that because wine is said to make men generous, good humoured and social, therefore the Legislature ought to encourage its convivial use.

But to place this matter beyond dispute, we have a contemporaneous exposition of the intent and meaning of the founders of the Constitution, which is the soundest and safest rule of construction, as to delegated power. The Convention that framed the Constitution of Massachusetts assembled in 1779. Two years before that, in 1777, the General Court of Massachusetts composed of many of the same individuals who were members of the Convention in '79, passed a law to the following effect, which may be found in the first Vol. Resolves of Massachusetts Bay for February 1777, p. 33.

"Resolve to prevent the exportation of rum and other articles out of this State, as well by land as water, passed Feb. 7, 1777.

"Whereas, the Rum, &c. now in this State are all *needed for the supply of the army and the inhabitants of this State*, it is therefore resolved that all exportation of Rum, Molasses, Sugar, Cotton Wool, Sheepswool, flax, salt, coffee, cocoa, chocolate, linen, cotton and linen, woollen and cotton goods of all kinds, provisions of all and every sort, shoes, hides, deer skins, sheep skins, and Leather of all kinds, as well by land as by water, from every port of the State, be stopped except to the different ports of this State. And if any vessel shall be found having any quantity of rum, more than 60 gallons

to a vessel of 80 tons, for a three months voyage, and in that proportion for a larger or smaller vessel and on a longer or shorter voyage, being outward bound or found at sea, having sailed from any port in this State for any part of the world without this State; such vessel shall be a lawful prize for any person who shall take the same; and shall be condemned and sold in the manner provided for sale of vessels taken in carrying supplies to the enemy.

And if the Committee of Correspondence, Instruction and Safety, of any towns in this State shall *suspect* that any team is loaded with such article to be transported out of the State, said Committee are empowered and directed to stop all such teams till they can make proper inquiry, and to seize and file an information against the same, as forfeited, one half to the Committee and the other half to the State.

Provided this resolve shall not prevent the carrying of the article from this to any neighbouring State, as purchased at ordinary retail, either for the consumption of individuals or single families. And it is hereby recommended to the good people of this State to afford all possible aid to the Committees aforesaid to enable them to carry these resolves into effectual execution."

Resolved, that if it appear any article has been transported contrary to this Resolve, the owner shall forfeit the value, to be recovered by action of debt.

Mr. Hosmer is directed to procure 2000 copies to be printed, and cause the same to be printed in the Boston Newspapers."

In Council, March 26, 1777, it was voted,

Whereas, it is of great importance that there should be ample supply of RUM, sugar, molasses, cocoa, coffee, cotton, wool and salt, for the use of the army, and every impediment to their importation ought immediately to be removed, therefore Resolved, that Benjamin Greenleaf, Thomas Cushing and John Taylor, be a committee, &c. to consider the expediency of repealing an embargo upon all vessels in this State, and to consider what other measures are proper to be taken for procuring a supply of the articles above mentioned.

In the House. Mr. Dalton, Judge Cushing, B. Thompson, and Mr Phillips are joined, Walter Sheever, in place of Greenleaf.

Here, in an enumeration of all the staple necessaries of life, *rum* is placed foremost as indispensible for the use of the army in fighting the battles that won our liberties; and yet we are now told that the same men who passed that law, two years after framed a Constitution which enjoined it upon the Legislature to prohibit the sale of that article, under fifteen gallons, and to enact laws to enforce total abstinence from its use, by all except men of quality and estates!

I have no disposition Mr. Chairman, to join with our patriotic forefathers in their eulogy upon rum as the first article in a list of the necessaries of life, or as necessary at all, under any circumstances as a beverage; but to such extremes are ultra notions on this subject now carried, that it would seem incredible that the world could have stood, or a virtuous community have been found in it, with the toleration of rum; and yet these Resolves were passed, and were practiced upon, by the purest patriots and the wisest and best men of our Commonwealth, who sacrificed every consideration of self to the public good, and the loss of whose simple virtues is but sadly supplied by the mock morals and pharisaical pretensions of the present day.

After this exposition of facts, the friends of this law must look to some other source than the Constitution for enjoining its adoption as a duty, upon the Legislature.*

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* Mr. Hallett intended to have stated another fact nearly contemporaneous with the Constitution. The Convention of 355 Delegates, who adopted the U. S. Constitution in 1788, voted at the close of their labors, to proceed to the State House to proclaim the ratification and take an affectionate leave of each other. An invitation from a number of the inhabitants of Boston requesting the members of the Convention *to take refreshments* at the Senate Chamber, when the ratification should be declared, was read, and thereupon voted, that the thanks of the Convention be given to the inhabitants of Boston for their polite invitation, and that the Convention will attend as requested.

The Boston Centinel of February 9, 1788, gives the following particulars in conformation of the views the framers of the Constitution took of temperance:

"The whole Convention having been previously invited, partook with a number of the respectable citizens, of a decent repast, prepared in the Senate Chamber, and such

General Principles.

I will now proceed to state the general grounds on which we object to the law of 1838, and ask for its repeal.

It involves a novel and dangerous principle in legislation as applied to personal rights, and acts lawful in themselves.

It is of doubtful constitutional right, and directly unconstitutional, as an unequal law, and as an infringement of the power of Congress to collect revenue.

It aims at an end the law cannot reach, and is ineffectual in promoting its professed end.

It endangers a good moral cause by exciting opposition and stirring up division and party strife.

It divides the community politically in an injurious controversy as to the means for promoting total abstinence, whether moral and persuasive, or penal and coercive.

It creates a new conflict in society and raises up two strong opposing parties, where before, all good citizens were united in desiring a thorough reform in the customs of society, and the indulgence of appetite.

It retards and diverts from their true course the healthful moral influences that were carrying forward the temperance reform as rapidly as the condition of society and the permanency of the cause would admit.

It compels those who have uniformly sustained the temperance reform as a moral cause, but who disclaim its attempted control of legislation by political action; to rally against this law in defence of higher principles than temperance; the liberty of the citizen, and the fundamental rights of property.

It thus tends unavoidably, to identify actual opposition to Abstinence as a moral cause, with the just opposition to an alarming encroachment by this specious legislation, upon personal rights and first principles, that lie at the foundation of free government.

It compels those who are jealous of popular freedom and the right of self government, to remember that Liberty and License laws have subsisted together for centuries, but Liberty and arbitrary laws, never.

It disregards the rational progress of moral causes, and impatiently attempts a legal enforcement of self denial, at the expense of inevitable reaction, and without respect to sound and settled principles of equal rights, or equal laws.

It seeks for precedents of justification in the most doubtful and long exploded applications of legislation to restrict rights and control personal action; and is a backward movement in government, assuming to make men abstemious as bigotry formerly undertook to make men religious, by pains and penalties.

The law is moreover *based on a false principle of legislation;* false because it cannot be applied to property or right in general; and false, because it becomes absurd and unbearable the moment it is attempted to carry it out to its legitimate and unavoidable conclusions.

The doctrine of the law is this—that because drinking a certain liquid to excess injures the individual, and he injures society, therefore the law

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a spirit of joy, union and urbanity was diffused, as if continued, must be attended with the most happy consequences. The toasts given were truly conciliatory, and *were drank* with sincerity, *by every one present.*"

When President Washington made his grand entry into Boston, October 29, 1789, one of the most prominent in the display of trades and occupations in the immense procession that welcomed him, was the whole body of Boston distillers, preceded by Mr. Thomas Hill, with banners. Device on the flags, a Still with the Distillers Arms. Motto, "drop as rain, distil as dew."

must prohibit it as a beverage. If this position is sound, it must follow that wherever it can be shown that any article of luxury of food or drink is unnecessary and injurious to an individual or his family, the law must interpose and prohibit its use by all those who cannot afford to ruin themselves without ruining their families

Again, it is a law originating not in philanthropy, and benevolence, but in *distrust* of moral influences and *contempt* of the capacity of men with small means to practice wholesome self denial.

It is a law *against moral agency*, assuming not as all other laws do, only to punish crime when committed, but to restrain by penal enactment, the exercise of discretion in the moderate use of a beverage, because it may be used to excess, thus denying to one class a right, because others use that right to do wrong.

It punishes the *moderate sale* as a crime in order to prevent the temperate use, and yet does not punish the *use* at all until it amounts to drunkenness, when in fact, it is the *use* and not the sale that is the cause of drunkenness.

The seller is only accessory to the use; the user commits the overt act, yet the first is punished, though no injury is proved to follow his act, while the latter is punished only in case of excess and positive wrong done.

As well might the law punish those who keep gambling houses and implements, and not those who gamble, as to punish those who sell and not those who drink.

This law assumes to enforce prevention of an act, not wrong in itself, but on the ground that it may tend to wrong in another; thus punishing an innocent act in one man without regard to criminal intent, and only because another may commit a crime; as if the law should punish him who innocently sells large tools because they may be used to maim or murder.

It divides society morally by a false and invidious line—assuming that self control is coextensive with pecuniary means, denying its existence as a rule of action to be trusted in those possessing small means, but admitting its unlimited and safe influence with those of large means.

It affirms the necessity of restraining the appetite and taking care of the morals of the poor by law, but leaves the rich to take care of their own morals and appetites.

It is a sumptuary law; a species of legislation always odious in the most arbitrary governments, and never to be tolerated in a free one. It is a sumptuary law even in the technical sense of that term, for it assumes that a certain article of ordinary consumption is unnecessary, and undertakes to prohibit the indulgence in it by one class of society who heretofore have had it in any quantity they chose to buy it.

It is therefore a sumptuary law in restraint not of excess, but of a supposed tendency to excess in the indulgence of an appetite not unlawful in itself.

It is moreover a sumptuary law to restrain indulgence and unnecessary expense, exactly in the inverse ratio of the means to indulge and buy.

It prohibits an act (the sale of a pint of ardents) which is just as innocent as the sale of fifteen gallons, which it allows; and while it claims authority to prohibit or restrain, solely on the ground of the injurious tendency of an act innocent in itself, it most absurdly prohibits only in small quantities and permits in large quantities. Thus it undertakes to punish an alleged offence to society in the inverse ratio of quantity.

It differs from all former laws on this subject, the former regulating and this prohibiting; the former limiting the *persons* who might lawfully sell but never the *quantity* they might sell—the former securing to a man of six cents the same privilege of buying according to his means, as to the man

of millions, while this law *outlaws* every man who cannot command at one time, at least six dollars.

This law undertakes to prohibit the traffic on the ground of common good, and yet prohibits it only to those who cannot raise six or ten dollars at a time for an unnecessary expense; as if the common good required that only *common* men should be restrained by pains and penalties.

The only evil to society which can warrant any law regulating this article as distinguished from other articles of food or drink, is the intemperate use. That evil, it is assumed, grows out of the moderate use, yet the law does not punish the moderate use at all, only the *moderate sale.*

Hence if the public good demands the suppression, by law, of all tendencies to excessive use, it should punish the moderate *user* as well as the moderate *seller.*

If there were no sale by retail, still the moderate use would continue, but if there were no use there would be no sale at all. The law therefore, if it means to suppress the evil, should go directly to its source, the use, and suppress that by pains and penalties. The fact that it cannot do so, is conclusive that the attempted prohibition of sale, while the use is permitted by law, is founded on a false and ineffectual application of legislation.

The law is *invidious and unequal*, because it is so framed as in intent and practice, if enforced, to be a prohibition to one class and a free indulgence to another.

It is invidious as to the kinds of beverage to which it is applied; for it says to those who prefer alcohol in the form of rum, brandy and gin, that they must be restrained, while it says to those who prefer alcohol in the form of wine, that they may be freely indulged in any quantity.

It is invidious because those who made the law have reserved to themselves the means of indulgence, by not extending the restriction to a quantity beyond their reach at any time, while they have prohibited the sale of it in quantities within the compass of the means of a large portion of their constituents.

If it be, as is contended, only a partial prohibition, then it is a partial law; for if the common good demands prohibition at all, to be equal and just, it must be universal, both in selling and buying. Ability in means, to do an act on a large scale, cannot make that act venial, while the same act, on a small scale, by those of small means, is made a crime.

These are some of the leading principles in morals, equity, and law, which demonstrate that the Act of 1838 prohibiting the sale of an article of merchandize in less than fifteen gallons at a time, is based on a false doctrine in legislation.

Property Rights.

The law is equally odious and objectionable in its application to PROPERTY RIGHTS, for the following reasons:—

It singles out a particular description of lawful property and merchandize, and deprives it of its ordinary uses and sale by force of law.

It thus interferes with and abrogates, as to this kind of lawful property, the universal right of acquiring, possessing and enjoying property. In this respect it evades, and arbitrarily suspends, and as I hold, openly violates one of the fundamental immunities of the State Constitution.

It also evades, and in effect nullifies the United States Laws of importation, because the power it claims to prohibit the sale of property except from the importer to the next hand, if enforced, would in fact destroy importation.

It prescribes a limited use to which alone lawful property shall be put,

prohibiting its ordinary, lawful use, and that not by punishing the use but by punishing the sale for that use.

It thus makes even a licensed seller responsible for the particular use to which his customer puts the article, subjecting him to a legal inquisition as to knowledge he had of the intended lawful use when he sold the article; subverting all principles of criminal jurisprudence which never punishes *intent* in one man connected with the act of another, unless that intent is accessary to a criminal act.

It is absurd and contradictory in the application of prohibition of the use of this property: 1st, permiting it to be sold in any quantity to be used in arts and medicine; 2d, punishing the sale for any other use, in small quantities; and 3d, permitting the sale in large quantities for any use whatever.

It assumes that the sale is a wrong to society. It then sanctions this wrong in *gross*, or when committed to indulge the rich, and punishes it only in detail, or when committed to indulge the poor.

It allows an unrestrained indulgence to all who can enjoy it largely, and denies it to others merely because they can procure it only sparingly, or in small quantities at a time.

It is admitted by those who sustain this law, that the evil is not in the article, which is no nuisance or offence in itself, like infected goods or tainted provisions, but in the appetite for its excessive use. We say, therefore, that you cannot on any known principles of equal and just legislation, treat this lawful property as a nuisance or a source of physical contagion under the health and quarantine laws; nor as an article unsafe to be kept in shops and warehouses, under the police laws which regulate the fire department.

The evil being not in the *thing*, but in the appetite for it, you cannot by law, destroy or remove this thing of lawful possession, in order to destroy the appetite for its abuse, with any more right than you could destroy or remove all personal property, to prevent robbery and theft. You cannot punish the propensity to do wrong until wrong is done. You cannot deprive one man of his lawful rights, because his possessing and using them may tempt another man to sin, The tendency to crime, while generating in the mind—the propensity or the habit of not unlawful indulgence—are not subjects for penal laws, but for moral influences. So also is the appetite or habit, connected with the moderate use of ardent spirit, while generating the vice of intemperance. It is an evil, but like many other evils, beyond the reach of a statute. Hence we say, in the advancement of temperance, which depends on the control of appetite, on voluntary abstinence; trust to the voluntary principle, or you can establish nothing permanent. Rely on moral influences and enforce no law beyond wholesome, reasonable, just and uniform regulations.

This is the distinction we take between the laws of regulation of two hundred years standing, and this new law of prohibition; and if these positions are sound in matters of legislation, it follows that this law ought not to be tried at all as an experiment, to see whether it will fail or succeed. We deny the moral or constitutional right of the General Court to make experiments in legislation, trenching on fundamental rights, merely to test a doubtful theory whether the lawful appetites of a particular class of citizens cannot be exterminated by force of law.

We object to this law as useless and overmuch legislation; the first in the revival of that series of personal restraints imposed under the Colonial system of Blue Laws, which sought to enforce by penal enactments, sanctimonious observances, and tie up every domestic and private indulgence.

We oppose it as a dangerous legislative premium held out to ultras in all the extremes of moral doctrines and reforms of the day, to get up combinations and sects, in order to control legislation and press their particular creeds into the form of law.

We oppose it because it assumes as a principle of legislation, that *sin*, evil, exists in the inert object that may be abused to sin, and not in propensity and the human heart, and thus carries legal coercion over the line of voluntary morality.

We oppose it because it creates an artificial crime in order to punish it, and by a monstrous absurdity in law and morals, makes one half of an act which cannot be consummated without the consent of two parties, a crime in one, and no offence in the other.

The Law is Inexpedient, as well as Absurd and Unjust.

It is inexpedient even if it could be enforced.

It is inefficient, for it cannot be enforced.

Regarded, then, by the test of every fundamental principle in free government, this statute is wrong in law, wrong in morals, wrong as it effects private rights, and wrong as applied to principles of human action.

It Involves a new Principle in Legislation, Prohibition, as Applied to the Sale of Property for Lawful Uses.

The *use* as a drink is *not yet* made a crime, and yet the selling of it for such use, is declared an offence, punishable by severe penalties. The prohibition is not applied solely to that portion of the property which may become unfit for use, as is the case in the prohibition of sales of spoiled provisions and adulterated liquids, but is extended to the whole article in its purest state. No legislation on this principle, has ever before been applied to this or any other article of merchandize.

No Former Law ever Abolished the Sale in any Quantity for any Use.

It only regulated houses and occupations as a restriction of police, and limited the number of sellers, not the quantity in which the buyer should be compelled to purchase, or not at all.

The utmost extent to which any former law, through a period of two hundred years, ever went in prohibiting the sale for use, was to make it penal to sell to the drunkard who abused the use. This law makes it a crime to sell to the most temperate user; and if it be sound in principle, that principle should be extended to the sale of every article of luxury or use which is susceptible of being abused to the injury of the buyer; because, if alcohol, which may be dispensed with in society, and which may be abused, is to be prohibited in its moderate use because its use results in more injury than good, then every article of luxury, pride or indulgence, which tempts to excess in any one class of society, must be prohibited, in order to prevent crime by removing temptation.

It does Involve a New Principle.

The attempt of the advocates of this law to deny that it involves a new principle of legislation, shows that they dare not test it on its true basis, but find it necessary to deceive the people into a belief that it is in fact just like the old laws on this subject. Why then did they ask for a new law, if they do not want to enforce a new principle?

The Old Law Regulated Occupations and Trades.

The law of '32 was a law of regulation as to trades and occupations. It provides (chap. 47 Revised Statutes,) that "no person shall presume to be an Innholder, common victualler, or seller of wine, brandy, rum, or any other spirituous liquor, to be used in or about his house or other buildings, unless he is first licensed as an Innholder or common victualler, according to the provisions of this chapter, on pain of forfeiting one hundred dollars." "And if any person, not licensed as an innholder or victualler, shall sell any wine or spirituous liquor, or mixed liquor part of which is spirituous, to be used in his house, he shall forfeit twenty dollars." The license also prescribed the particular *place* "where the licensed person shall exercise his employment."

It is, therefore, the use in the house and the specific employment which were regulated, and not the sale forbidden, under the former law. It applied the restriction or regulation to a particular place in which a certain occupation might be carried on, but did not assume to abolish the occupation or to confiscate the property, in its ordinary use.

The new law prohibits, and is nothing but prohibition.

The new law is solely and exclusively A LAW OF PROHIBITION. It assumes to legislate on this property, (which is as much an article of lawful merchandize as are teas, coffee, or cloths,) by a special act, applied to no other property, and its only legislation is *prohibition*.

This is obvious from a single consideration. This act virtually repeals all others on the same subject, and will be found so in practice, because it is inconsistent with all other acts. Strike it out, and there is no law of prohibition affecting this article of property more than any other subject of sale and transfer. The act does not authorize the sale of fifteen gallons and upwards, because without it the sale of that quantity would be governed by general laws, as the sale of molasses or vinegar is.

It follows that the entire and sole operation of the law is to *prohibit* the sale under fifteen gallons, and of course the whole intent of the law is to prohibit, for without it there would be no prohibition under fifteen gallons, and with it there is none over.

Self contradiction of the supporters of the law.

The disingenuousness of the attempt of the supporters of the law to disclaim the doctrine of prohibition in this Statute, which they now find to be odious as a new and dangerous principle in legislation, is the more apparent from the fact, that the very prohibition they now *deny*, was the entire thing they asked for when this law was forced through the Legislature by a sort of surprise.

The Memorial asking for this law, signed by the same men who now deny that prohibition was the intent, and is the principle of the act; prayed the Legislature "that *all* laws authorizing the sale of intoxicating liquors may be *repealed*, and that such sale may be made *penal*."

The Committee who reported the law which grew out of that application, say that "this proposition suggests the repeal of laws which have existed from the earliest period of the history of the Commonwealth,"—that "the inefficiency of these laws to restrain the improper traffic in spirituous liquors has arisen from the fact that they have professed to *regulate*, but not to *prohibit* the sale. The laws have not limited the *quantity* to be sold, but only the *persons* who should be permitted to sell them. The modification of these laws, which the Committee propose, is the *prohibition of the sale of spirituous liquors as a beverage*."

[House Document for 1838, No. 53.]

Here then, those who asked for the law and those who reported it, declared that their object was to introduce a new principle, never before embraced in the legislation of two hundred years on this subject, viz: the substitution of prohibition in certain drinks, instead of the regulation of particular occupations and employments. Instead of the uniform regulation of *places*, they apply a direct disqualification as to sale and transfer, to an article of lawful acquisition and property. If this is not a new principle in legislation, there can be no new application of penal laws to any acts heretofore lawful.

Test it by this one fact. For two hundred years there has never been a law in existence which deprived any citizen, rich or poor, of the right to buy his money's worth of this species of property, for any use he chose to put it to. This law assumes to deprive him of the right, under any circumstances, to buy, except for uses prescribed by law, the quantity he may want, or which he may have the means to purchase, unless he can command a certain amount of property or credit.

Comparison with the Game Laws.

In this it partakes of the odious principle of the privileged game laws of Great Britain, which require a property with an income of £100 per annum to enable a man to shoot a partridge, or "being the son and heir of an esquire or person of superior degree." Just so this odious law affecting appetite, requires that in order to be qualified to drink rum and brandy, a man must possess sufficient property to be enabled to expend ten or fifteen dollars at a time, when the value of as many cents may be all he wants, or he must be the son and heir of "an esquire or person of superior degree."

The Law as Applied to Employment.

The law is alike unjust and dangerous in its principle of prohibition, if applied to trades and occupations. To abolish a trade which has existed two hundred years, and is sanctioned by the laws and treaties of the United States, or to take this trade from one class and give it to another by law, is surely a new and dangerous principle in legislation. No trade can rightly be abolished that is not a nuisance, and even then it can only be restrained. So that there can be no greater absurdity than to contend that a trade by retail in a particular article of lawful property is a nuisance, but its wholesale no offence whatever, and that, therefore, the first must be prohibited and the last allowed!

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* Justice Blackstone, in his Commentaries, says of these game laws, that they are founded on the most unreasonable notions as to property, and are productive of tyranny to the common people—a bastard slip of special legislation. In King John's time these forest laws were so warmly kept up that they occasioned many insurrections.

The parallel between the game laws of England and this fifteen gallon law of Massachusetts, holds good in other particulars. Blackstone says of the former, that this offence, which is constituted by an act of Parliament, is of a very questionable nature, and yet it is an offence which the sportsmen of England seem to regard as the only matter of general national concern, *associations having been formed* all over the kingdom to enforce the law upon all persons, unless they be people of such rank and fortune as the law does not reach. But those *indigent* persons who violate the law without rank or fortune, are severely punished, and these punishments are imposed by sycophants, who are raised up like little Nimrods in every manor for hunting upon which rural sports can be considered. To these persons it promotes *idleness* and takes them off from their proper employments, and makes them formidable against the public police and [illegible]. This is just the sort of [illegible] that it indulges the [illegible] classes, for fear that [illegible] of the [illegible] and persons of [illegible] who [illegible] one [illegible] at their leisure!

It is a Retrograde Movement in Liberty.

It is another grave objection to this law, that it is a retrograde movement in the principles of free and liberal legislation. It goes *back* for precedents to the worst laws under the worst administrations of government. No liberal or enlarged act of legislation is ever cited in its support; but the old Colony Blue-Laws, of the deepest color, and the most questionable acts of our existing code, are the only parallels that can be found to prop it up.

The Old Colony Laws all Licensed.

But all the Colony laws, from 1633 and 1645, down to the adoption of the Constitution, merely regulated the *places* where the trade might be carried on, but did not abolish it in any quantity or for any use. No law ever existed, before this, that did not license for any use, or that prohibited the sale in any quantity for any use except by unlicensed persons. The oldest law on record upon this subject, that of 1633, enacted that "the person in whose house any were found or suffered *to drinke drunke*, be left to the arbitrary fine and punishment of the Governor and Council, according to the nature and circumstance of the same." [Old Colony Laws, page 31.]

This law was at least just and equal, for it applied to the "esquires and persons of superior degree," as well as the poor man; but it would not suit our modern reformers in their private or public entertainments.

There is, however, one law, precisely in point, of which our opponents should receive the full benefit in their research into the arbitrary and absurd enactments of Colonial legislation. It was passed in 1669, and was known as "the gentleman's act,"—and was to this effect: though even this law protected the licensed dealer in any quantity.

"It is enacted by this Court, that henceforth no persons shall have liberty to bring any liquors into this government for themselves or others, to give or sell, but such as are licensed, more than for their own particular use, which shall not exceed *six gallons* in the year; and each man's that is so brought in, shall be distinct in vessels one from another, and in case any do, it shall be forfeit or the value thereof. But if it appear that *any man of quality* whose condition calleth *for further expense in his family*, that then THIS LAW SHALL NOT REACH THEM: only this is to be understood that under pretence of this hee shall not give or sell to be carried abroad, except it be soe that the ordinary keepers have none to supply the necessities of them that are sick." [Colony Laws, page 165.]

This is the exact prototype of the present law, its very form and pressure, except that your law is more illiberal and aristocratic, for it will not allow the man of moderate means and appetite to provide six gallons or less, but cuts him off, and says, "that if it appear that any man of quality whose condition calleth for further expense in his family, wants *wine*, or fifteen gallons of spirits for his annual supply, *then this law shall not reach him!*"

Restrictions on Domestic Rights.

But if the Colony laws are to be cited as good precedents for this act, they are equally valid in other arbitrary restrictions upon individual and domestic rights, and where would that lead us in legislation? By this rule the importation of tobacco might be prohibited and its use punished. [Colony Laws, pages 59, 70, 87, 252.] So "if any shall make any motion of *marriage* to any man's daughter or mayde servant not haveing first obtayned leave and consent of the parents or master so to doe, shall be punished by fine or corporal punishment." [p. 61.] "And whoever shall inveigle or endeavor to steal the affections of any man's daughter, pupil or maid servant without his consent, he shall be punished by fine of five pounds or corporal punishment." [p. 272.]

In the same spirit, it was enacted that no single person should live by himself or in any family but such as the Selectmen approve, and families were to be periodically inspected by selectmen; a provision, by the way, that may be very necessary in the enforcement of this fifteen gallon law, to

ascertain to what uses the liquor bought of apothecaries is put in the domestic arrangements of the purchaser.

The Colony had Unlimited Powers—the State has not.

The prominent distinction between the Colony Laws, touching this species of property called spirituous liquors, and State Laws, is this. That the General Court of the Colony had unlimited power to prohibit importation as well as sale or use, there being no paramount revenue laws; while the State has no power to prohibit importation and sale under the supreme laws and treaties of the United States, and may virtually *nullify* these laws if it can do *indirectly* what it cannot do directly, abolish the importation by prohibiting the sale.

Laws under the State Constitution, and Effect of the United States Constitution.

Up to the period of the adoption of the Confederation of the States in 1778, each State had unlimited power to prohibit the importation of any article of commerce. The Confederation took from each State any power to lay imposts or duties that should interfere with treaties made by Congress. The Colony of Massachusetts Bay had enacted laws *regulating* the sale of ardent spirits, wine, beer and cider, in 1645, 1695, 1698, 1712, 1761, 1763. But not one of these laws ever prohibited the sale in any quantity or for any use; and instead of preventing its importation, as they then had power to do, we have seen that in 1777 they encouraged importation and prohibited the carrying of rum out of the State, because there was no more in it than was needed for the army and the inhabitants.

In 1780 the State Constitution was adopted, and the first law after that was the act of 1786, "for the due regulation of licensed houses." This act was one of regulation merely, and did not prohibit the sale of the smallest quantity for any use. It applied, as all similar laws ever had done, to *employments and places*, which were taxed and regulated; and not to persons or property, as the present law does.

In 1788 the United States Constitution was adopted, which gave to Congress the exclusive regulation of commerce with foreign nations and among the several states; and decreed that the laws and treaties of the United States, shall be the supreme law of the land, and the Judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding; and the State Judges shall also be bound by oath to support the United States Constitution.

From this time the regulation of the commerce of the people of Massachusetts with foreign countries and other States, in alcohol as well as other merchandize, was exclusively vested in the United States; and from that time, until the law of 1838, no act of prohibition interfering with the importation by prohibiting the sale in any quantity or for any use, was ever passed.* Acts have been passed on this subject since the adoption of the United States Constitution, in 1792, 1813, 1818, 1831 and 1832, but they wereall acts of licensing for sale, without any restriction in quantity or use, and went to promote and not to prohibit the sale of lawful property lawfully imported, under the Supreme Laws of the United States.

The present law is virtually, though indirectly, assuming the whole power affecting the article of merchandize in question, which the State would have had, if no concession of power had ever been made to the United States; for if the State can pass laws to abolish the sale of an article, it thereby abolishes the importation. If it can abolish it in part, it can in whole.

* Judge Story says, in New-York *vs.* Milne, 11 Peters 107,—"the power to regulate commerce given to Congress, is exclusive, an d not concurrent with the States."

This Law Assumes Universal Guardianship over Private Moral Agency.

The only prohibition introduced into former laws, was the prohibition of sale to drunkards, spendthrifts, &c. whose health, in the opinion of the Selectmen, was injured by abuse. This was founded on the principle of guardianship, and applied only to individual cases, upon positive evidence in each case, where moral agency had been subverted by the vice of the party put under guardianship. If the Selectmen made this restriction upon any individual without cause, they were liable in an action for damages. It did not punish for fear a man would do wrong, but punished and disqualified only for the wrong done. The present law assumes that *all poor men* are incapable of self-control, and puts them under a general guardianship before a single act of indiscretion is committed. It says that because some men who cannot buy fifteen gallons *may* do wrong, therefore *all* men of limited property, shall be deprived of the free agency of choosing between right and wrong in this matter.

In a word, all former acts established no direct monopoly, gave no exclusive privileges, nor applied any disqualification to lawful property. They imposed a tax on those who should choose to exercise a particular trade or calling, as a law of excise, and they regulated the places in which it should be carried on, as a law of police. The present law forbids the sale of lawful property by any person, for ordinary uses, and permits none but a particular *profession*, who never sold it before, to sell it in ordinary quantities, for any use whatever.* It is *neither a law of excise or police, but sheer arbitrary power!*

It is Wrong as a Law of Prohibition, because it is Partial.

It is plain, then, that this act oversteps regulation and becomes prohibition. As a law of prohibition, (even conceding the power to make it,) it must be equal and consistent, for it can be justified only on the plea of *necessity* as above all law, viz: that the evil is so great the common good demands prohibition. To be consistent and equal then, it must be universal. That is, if the Legislature has the power to prohibit an evil, by trenching on individual and property rights, it is unjust to apply the prohibition to any class of society, or to one cause of the evil, and tolerate it as to the rest. If, therefore, intoxication be the great evil, and the Legislature is bound to prevent it by prohibiting the sale of the cause of intoxi-

* Chief Justice Parker says, "The Legislature for thirty years has exercised the right of exacting a sum of money from Attornies and Barristers at law, vendue masters, *tavern keepers* and *retailers*, which has been applied to the privilege of using particular branches of business or employment, such as an auctioneer, Attorney, *tavern keeper*, or retailer of spirituous liquors." [And he adds, which shows how much wiser some people affect to have grown who ridicule the claim of natural right set up by the Memorialists against the prohibitory law.] "For every man has *a natural right* to exercise *either* of these employments *free of tribute*, as much as a *husbandman* or *mechanic* has to use his *particular calling*." [12 Mass. Rep. 256, case of the Portland Bank.] So that, according to the views of the Supreme Court in that case, the Legislature has the same right and *no more*, to tax the employment of a farmer or mechanic, as of an attorney, auctioneer, tavern keeper or retailer of spirituous liquors; and if there is the same right to tax one as the other, there must be the same right, and no more, to *prohibit* the one as the other. Unless, then, the Legislature has power to decree that no *farmer* shall sell less than fifteen bushels of grain or fifteen pounds of pork to be used for food; and that no mechanic shall build a house for *use* as a dwelling that costs less than $15,000; it follows, by the above decision, that the Legisature has not power to prohibit the sale of any other species of property for its ordinary uses. The Constitution has no where made any distinction in the general protection of all lawful property, and unless the contrary is shown from the Constitution, the reasoning of Chief Justice Parker is conclusive against the power, now for the first time in our history attempted to be used by the Legislature in proscribing a particular employment which the supreme laws of the United States sanction; and in singling out a particular description of lawful property for confiscation or disqualification.

cation; that prohibition to be just and equal, must be universal as to all classes of men and all descriptions of intoxicating beverage.

There is no necessary limit up to fifteen gallons. The pretence that the Legislature could not go *farther*, is utterly false, if it be true that they could go so far. There is nothing in the United States laws to limit the power to prohibit fifteen gallons any more than fifteen thousand gallons. This prohibitory law of 1838 says, that *no person* shall sell in less quantity than fifteen gallons, thus including the importer as well as retailer. But all agree it is void as to the *importer*. He may sell to the next of hand, and cannot be restrained but by the laws of Congress.

The ground taken by the supporters of the law then, is, that when the property passes from the importer, it becomes subject to all State regulations affecting internal commerce, and cannot be reached by the laws of the United States. It must follow, if this be sound, that if the State has power to abolish internal commerce as to fifteen gallons, and as to rum, brandy, and spirituous liquors, it has power to abolish this commerce entirely, as to any quantity, and as to any articles of property. The assumption of State power, therefore, if good for fifteen gallons of brandy, is good for every description and quantity of liquor, and for every kind of property that is the subject of sale; so that it amounts to an omnipotent power in the Legislature over the internal commerce of the citizens of a State, to prohibit the sale and transfer of *any* and *every* kind of property between man and man, except barely from the importer to the next buyer, who may buy but cannot sell again.

The power, then, being supreme, if it exists at all, why is it limited to fifteen gallons, and why confined to alcohol in *spirits*, and not extended to alcohol in wines, cordials, and fermented liquors? If the Legislature has supreme control over any article of importation the moment it passes out of the hands of the importer, it can stop its transit from the purchaser to another in any and every quantity, whether it be a cask of brandy or a bottle of wine, a bale of goods or a yard of muslin.

The power, then, if it exists at all, to prohibit sale of a lawful property from citizen to citizen, must be supreme and unlimited. It follows, therefore, that having the power of entire prohibition, if it have any power to prohibit at all, this prohibitory law, which denies the sale in small quantities and permits it in large, and applies only to the drink of men of small means and not to that of the rich; is not only a palpable violation of equal rights and equal laws, but is false in its sole pretence of right, viz: the common good; for it is worse than folly to pretend, as this law does, that it is for the *common good* that men should not get drunk on rum, brandy and gin, but *is* for the *common good* that they should be allowed to get drunk on wines, cordials and fermented liquors—that it *is* for the common good to restrain men who cannot buy fifteen gallons at a time, and is *not* for the common good to restrain wealthier men who have the means to buy that quantity at pleasure!

Plainly, then, if argument can amount to demonstration, the law is wrong as a law of prohibition. It is either *too much*, and therefore unconstitutional, because it violates the rights of property, or is *too little*, and therefore unconstitutional, because it violates the equal rights of the citizen.

The question of Constitutionality.

This I have touched upon, in general terms, under the preceding branch of the argument. Let us apply it more directly,—first, *to the Constitution and Laws of the United States.*

These are supreme, and must govern our State Legislatures in making,

and the Courts in enforcing laws. The sixth article of the Constitution of the United States declares that

"The members of the several State Legislatures, and all executive and judicial officers of the several States, shall be bound by oath or affirmation, to support this Constitution." And that "the Constitution, Laws, and Treaties, of the United States, shall be the supreme law of the land, and the Judges in the several States shall be *bound thereby.*"

These supreme laws authorize the importation into this State of alcohol, on the same terms, and with the same rights, that clothes, teas, or any article of lawful property and foreign commerce may be imported.

First then, there is no power in this State, to prohibit or prevent the landing of this article at our wharves, its entry at the Custom House, and its being stored in the warehouses of our citizens.

Second, it is admitted on all hands, that when the property is so introduced, and the right of introducing it has been paid for by the merchant, he has the right to *sell* it. The State has no power to impose on the importer a single restriction, or a cent of tax or excise, in any form, to interfere with his sale of the imported article to other citizens of the State. The same privilege which extends to an importer from a foreign country extends to an importer from another State.

But this law of 1838 assumes to deny this right to the importer. It walks right over the supreme laws and treaties of the United States, and declares "*no* person shall sell" — thus assuming to prohibit the importer from selling.

All agree that in this respect the law *is unconstitutional*, and cannot reach the importer. But it is admitted that the law may be unconstitutional in one provision and constitutional as to the rest.

We thus have the demonstration that in passing this Act of 1838, the Legislature *did* enact an *unconstitutional* provision, in one part of it, as to importers; and this may well diminish our confidence in the wisdom and integrity of the majority, in passing the rest of the law; for if under the *stimulus* of secret societies and combinations got up by bigoted men out doors, to *lobby* the Legislature into this enactment, the majority consented to violate the supreme law of the land in one particular, why may they not have done so in other respects?

What are the rights of the Importer?

The point then, is established, that the rights of the Importer, secured by the supreme law of the land, cannot be infringed by the laws of a State.

What are these rights? Why does the importer import and pay duties to the Government? Not to keep, use or store the article himself, but to *sell* it. The right to import then carries with it the right to *sell.*

What is the right to *sell?* It cannot exist in the seller without the right in others to *buy.* Any restriction on the right to *buy*, is a restriction on the right to *sell.* The buyer who buys for *consumption*, wishes to buy in quantities to meet his convenience and his demand for consumption. If he is compelled to buy more than he wants or can afford, he is obliged either to violate the law or go without, while his richer neighbor is fully supplied.

The buyer who buys to sell again, will only buy on condition that he can sell in quantities to meet customers generally; or in such quantities as a great proportion of consumers wish to buy. He then, must either violate the law, or must sell only to that particular class who have the means to buy more than they want at a time.

It follows conclusively, that this law, (if enforced,) would be a positive restriction on the importer. He imports to sell; but none will buy of him if they cannot sell again: consequently, to deny to the purchaser from the importer the right to sell, is a denial of sale to the importer himself.

Now, has the State law a right to deprive the importer of the market which he pays his duties to the United States for enjoying? Look at this fairly.

Heretofore, (ever since 1788, when the Constitution of the United States was agreed to,) the importer in this State could sell to all, in any quantity. All would buy because they could sell again, or consume in any quantity they chose. Now, under this law, (if enforced,) the importer can sell only to those who buy to sell again or to consume, in fifteen gallons at a time. The importer, (if the law is carried out,) would thus lose nine-tenths of his customers, and thus importation which is guarantied by the supreme laws of the land, would be *prohibited* nine-tenths by a law of the State.

If the State can cut off all the buyers under fifteen gallons, it can all under fifteen thousand gallons; because if the restriction of fifteen gallons is construed to apply only to internal State commerce, then the State is omnipotent in its power over that commerce, and can entirely prohibit traffic in the article between its citizens. If it can destroy the traffic between its citizens, it of course destroys importation, for it is imported only because it is trafficked in between citizens of the State.

Again; if the State can apply this prohibition to one article of commerce, (alcohol) it can to all articles of merchandise whenever a majority of the Legislature happen to believe that the use of any such article may be injurious to the citizens

What then becomes of *the power to regulate commerce*, which this State has solemnly ceded to the United States? Why do you go to Congress for tariffs, when you can make your own tariffs at pleasure, if this law be constitutional?

You want to build up home manufactures; you say it injures home industry to have foreign fabrics in our market. Just pass a law that no cotton, woollen, or silk goods, shall be sold in less quantities than fifteen pieces. Enforce such a law, and who will buy of the importer, or who will import? A State may, on this doctrine, usurp the whole power of Congress, and take back all it conceded in the Constitution.

What is the effect on Treaties?

The *public faith* is violated, if this law be established. The United States has made treaties with France, Great Britain and Holland, opening our markets to their brandy, rum, and gin, the same as to other articles of commerce. These markets are only in the States. Now this State law assumes the power to shut up those markets, and thus nullify these treaties. It says to these foreign traders, "you may send your merchandise to our wharves, but we will pass laws to prevent our citizens buying it?" What is this but in effect, assuming the whole control over foreign commerce, by shutting up the market, and thus violating the national faith pledged in treaties, by making those treaties of no effect?

What becomes of the *oath* of Legislators to *support* these treaties, if they can thus evade them? Every man who voted for the fifteen gallon law *knows* he did it to cut off the market for importation, and to prevent trafic in alcohol. This is the avowed object and aim of the law. He *knows* too, that under his oath, he has no power to do this *directly*, for that power is given to Congress. Will he pacify his conscience by doing *indirectly*, what he has sworn not to do *directly*? The end and aim of all

treaties of commerce, and all laws of importation are to secure a market. When the United States has done this in good faith, shall a State shut up the market by law, and annul all treaties and all laws regulating importation, by annulling *sale* between its citizens?

If this is not bad law, there is bad faith in such a proceeding, at which honest and high minded men should stop to consider gravely, how much of moral obligation they have got to violate, before they can enforce this law of pretended moral reform!

Effects of this law on the Revenue Laws of the United States.

The *intent* of this law is to prevent or diminish importation, and therefore it is a manifest violation of the 8th section, article 1 of the Constitution of the United States; of the concessions of the States to the power of Congress, to raise a revenue upon imports into the United States, and of the laws and treaties made by the United States.

The decisions of the United States Supreme Court, and of the Supreme Court of this State, bear out this view of the case. In Brown vs. Maryland, [12 Wheaten 439] the question was, whether the State of Maryland, could impose a tax on importers of clothes, rum, brandy, wines, &c. The Court decided it could not. Why? because it would concede to the States a power to annul their concessions to Congress in regulating commerce and raising a revenue.

Congress has the whole power to tax imposts and to raise revenue on commerce. Why was this conceded by the States? Clearly that the regulations might be uniform; that no one state should be able to shut up its market to any article of commerce, or to prohibit its importation by taxes, or by any obstructions that should prohibit its sale.

This is manifest, from the fact, that no goods are made dutiable unless imported with the intention, and for the purpose of *sale*. This is what the importer pays the United States Government for,—the right to sell. Having bought the right, shall he be deprived of it, directly or indirectly by *state legislation?*

The privilege of importing, and the privilege of *selling*, are indissolubly connected. The right to *sell* is a necessary incident to the right of *importing*. The grant of a privilege to import would be of no value unless it also conveys a right to *sell*. Deny to the importer the right to sell, and importation necessarily ceases.*

This doctrine is clearly sustained in the decision in Brown vs. Maryland. Chief Justice Marshall says:

"Why are the States restrained from imposing duties on imports or exports? Plainly because it was believed that the interest of all would be best promoted by placing that *whole* subject under the control of Congress. Whether the prohibition to "lay imposts or duties on imports or exports," proceeded from an apprehension that the power might be so exercised as to disturb that equality among the States, which was generally advantageous, or to confer the source of revenue on the Government of the Union, it is *plain* that the object would be as completely *defeated* by a power to tax the article in the hands of the importer, the instant it was landed, as by a power to tax it while entering the port. THERE IS NO DIFFERENCE, IN EFFECT, BETWEEN THE POWER TO PROHIBIT THE SALE OF AN ARTICLE AND THE POWER TO PROHIBIT ITS INTRODUCTION INTO THE COUNTRY. THE ONE WOULD BE A NECESSARY CONSEQUENCE OF THE OTHER. NONE WOULD BE IMPORTED IF NONE COULD BE SOLD."

I pray you to mark the reasons of this decision of the Supreme Court of the United States! It denies to a State the power to impose a tax upon importers or upon imported goods in their hands, which was the extent of the case before it. Why? Because this tax might be such as to defeat

*See Mr. Meredith's logical argument in Brown vs. Maryland.

that concession of the States which has given "*the source of revenue*" to the United States. And why would such a power in a State defeat the revenue power in the United States? Because of the fact that sale and importation are cause and effect. Take away the first, and the last ceases to exist. A power to prohibit the sale of an article is a power to prohibit its introduction. This last power no State has, and *therefore* it cannot have the power to prohibit sale. If, as the Supreme Court says, in Brown's case, it will not permit the power of Congress to raise a revenue, to be defeated by a power in a State to tax an article of import in the hands of the importer, the instant it is landed, will it permit that power to be defeated still more effectually, by a State law that prohibits the sale of the article after it goes out of the hands of the importer, and thus annihilates importation and revenue together?

The whole ground then, on which a State is denied the power to tax imports or importers, is, because it might raise that tax so as to render it impossible to sell at a profit, and thus destroy importation by destroying *sale*.

This is the whole reasoning in Brown *vs.* Maryland, and Judge Story re-affirms it in New-York *vs.* Milne, 11 Peters, 160; where he dissented from the rest of the Court. He says, that in Brown's case

"It was argued, that the act requiring a license (of the importer) did not reach the property until after its arrival in the State; that it did not obstruct the importation, but only the *sale of the goods after* importation; but *the Court* said, 'there is no difference in effect, between the power to prohibit the *sale* of an article, and the power to prohibit its *introduction* into the country. The one would be a necessary consequence of the other. *None would be imported if none could be sold.*"*

Judge Story adds, (as his own opinion,) that "the result of the whole reasoning is, that whatever *restrains* or *prevents* the introduction or importation of *goods* into the country, authorised or allowed by Congress, whether in the shape of a tax or other charge, or whether before or *after* their arrival in port, interferes with the exclusive right of Congress to regulate commerce."

Chief Justice Marshall, in giving the opinion of the Court in Brown's case, also says:—

"It is obvious that the same power which imposes a light duty, can impose a very heavy one; one which amounts to *prohibition*. If it may be exercised at all, (by a State,) it must be exercised at the will of those in whose hands it is placed. *If* the tax may be levied in this form by a State, it may be levied to an extent which *will defeat the revenue by impost, so far as it is drawn from importation into the particular States.*"

Apply the whole of this reasoning against the prohibitory power of the States, to this law of 1838. What is the design of that law? To *restrain* importation by restraining sale. To *prevent* the introduction of alcohol into this State, though it is one of the essential articles of commerce on which the United States relies for revenue—to *defeat* the United States revenue, so far as it is drawn from importation of alcohol into this State!

Chief Justice Marshall says, if a State can impose a light duty on imposts, it can a heavy one, amounting to prohibition. Therefore it shall impose no duty whatever. For the same reason, if it can *prohibit* the sale of an article of import under a given quantity, however small, it can prohibit the sale of the article in any quantity, however large. If a State can prohibit the sale of an article (say Chief Justice Marshall and Judge Story,

* A most extraordinary perversion of this decision was made by one of the counsel in favor of the Law, before the Committee. He contended that it *conceded* the power to the States to prohibit sale, and by consequence importation, when it expressly denies such a power in a State.

with the whole Court,) it can prohibit its introduction into the country, and thus defeat the revenue by impost in that State.

If *one* State has the power, *all* have it; and all can shut up their markets to an article allowed to be imported by the laws of the United States. If this can be done as to *one* article, it can be done as to *all;* and thus the States have the power to destroy all revenue derived from importations.

[In 1838, the whole amount, in value, of all articles imported into the United States, was $113,717,404. Of this sum, $60,860,005 in value, were articles free of duty, leaving $52,857,399 in value, of articles imported on which duties were charged for purposes of revenue. The value of ardent spirits and wines imported in 1838, was $3,795,190; viz. 1,476,908 gallons of spirits, and 2,318,282 gallons of wine; which is 13, 92-100, being a fraction less than a fourteenth part of the whole revenue of the United States. So that if the States have the power, independent of Congress, to destroy importation of intoxicating liquors by prohibiting the sale in their territories, they have the power of abolishing a fourteenth part of the public revenue, thus leaving Congress at the mercy of the States, in providing the sources of public revenue to meet the public expenses. Can this be constitutional? Can such a power as this be consistent with the power over revenue ceded to the United States? Carry it out, for if it exists in little it exists unlimited. Massachusetts, for instance, may wish to prevent importation of alcohol, wine, tobacco, opium, and all sorts of stimulants to intoxication or luxury, on account of morals; and of all articles which she manufactures, on account of domestic industry. South Carolina may wish to prohibit the manufactures of Massachusetts on account of her objections to the Tariff. The Northern States may conclude to prohibit cotton, rice, and tobacco, because they are raised by slaves; and the Southern and Western States may wish to shut out all the fabrics, shoes, and products of the free States, unless they will put down Abolition Societies.]

If this fifteen gallon law be constitutional, where is the restraint? All these prohibitions of commerce between the states can be enforced by prohibiting the sale of the articles between citizens of the respective states, and thus the great purpose of the Constitution and the Union, revenue and uniform commerce, is at an end.

The only question that can be raised to evade the foregoing conclusions is, whether a State can do *indirectly* what the Constitution prohibits it from doing directly,—that is, whether, although it has not the power to prevent or restrain importation of an article, or destroy the revenue the United States derives from it by prohibiting the sale from the importer to his purchaser, it can do the same thing by prohibiting the sale from that purchaser to any other buyer? If a state can do this, it can effectually destroy the importation of any article so prohibited, and deprive the government of the market for the sale of that article, from the sale of which alone is derived revenue, by inducing importation.

Certain it is, that if the states have this power, as a branch of the regulation of their internal commerce, they can, by state laws, prohibiting sale between their citizens and in their respective territories, nullify the importation laws, and cut off all sources of the public revenue. To say that the laws of the United States are not infringed by permitting the importer to sell, while the state law prohibits the citizens from buying the article of each other, is to affirm that the prohibition of the traffic between citizens does not interfere with or restrain importation, and does not diminish the revenue that would otherwise be derived from such importation.

Now, as it is obvious that the prohibition to sell between citizens must have this effect, and as that is its *avowed* object, and only possible benefit,

it must follow that a law of prohibition is directly repugnant to the exclusive power given to Congress to regulate importations into the states, and to raise a revenue from such importations by their sale in the markets of the states.

Distinction between the old and new law in this respect.

This makes a plain distinction between the former license laws of this state, which merely direct and regulate the *mode* of selling by citizens of the state, without restriction as to quantity, and the existing law, which positively prohibits the sale in less quantities than fifteen gallons; because such a prohibition cannot be enforced without diminishing importation and revenue, by diminishing consumption and sale in the market of the State.

This doctrine is fully admitted in the case of the Commonwealth *vs.* Kimball, decided by the Supreme Court of this State, under the former law of 1832. The Court says, that in the exercise of the powers reserved to the states, "they have the right and power to resort to all adequate and appropriate means, for carrying these powers into effect, *unless they shall happen, in any particular instance, to come directly in conflict with the operation of some law of the United States, made in pursuance of its enumerated powers.*"

The only question at issue in this case of Kimball, was whether the law of 1832, requiring a license for the retail of spirituous liquors, was repugnant to the laws of the United States, authorising the importation of the article, and raising a revenue thereon. The Court decided that "the power to *regulate* licensed houses, and to provide for the *regulation* of the *sale* of spirituous liquors, is an acknowledged power of the state government. It is not to be presumed that the Constitution was intended to inhibit or restrain the exercise of so useful and necessary a power, unless it shall so appear by plain words or necessary implication. The burden is upon those who would set up and enforce the restraint, to establish it by showing that the Constitution, by particular provisions, *or in the accomplishment of its general purposes*, necessarily interferes with it." And the Court adds, "that the objects to be accomplished by State regulation, are to be reached and effected by any appropriate means, which *do not interfere with the exercise of any of the powers vested in the General Government.*"

These powers are; to provide for the importation of any article of commerce into a State, and to raise a revenue from such importation. These are the "general purposes" of the Constitution in this particular; and they depend entirely upon the right to use the market of the State for the sale of the imported article.

The law of 1832 did not necessarily interfere with these powers or purposes, nor was it designed in its operation or effect, to diminish importation or revenue. It encouraged and promoted the traffic between citizens.

But the law of 1838 does nothing but *prohibit and discourage sale.* It regulates nothing, for its whole jurisdiction is confined to less than fifteen gallons, and the sale of this it directly inhibits. If carried into effect it must diminish importation directly, by abolishing demand and supply. It is palpable therefore, that the power of Congress to raise a public revenue from this source, is to be materially affected by the intended operation of this law, should it be enforced.

"I cannot admit, (says Judge Story, in the case of New York *vs.* Milne) that the States have authority to enact laws which *trench* upon the authority of Congress in its power to regulate commerce."—It is no answer to say that the States will have too much wisdom and prudence to exercise the authority to an injurious extent. Laws were actually passed by New York, New Jersey, and Connecticut, during the Steam Boat controversy, which threatened the safety and security of the Union, and demon-

strate the necessity that the power to regulate commerce among the States, should be exclusively in the Union, in order to prevent the most injurious restraints upon it."*

Must it not be conceded, then, either that this law does infringe upon the importation and revenue laws of Congress, or that the public revenue of the Union is entirely at the mercy of the States, which may annihilate it whenever they choose to cut off importation by prohibiting sale between their citizens and in their respective territories?

Such are the views I take of the repugnance of this law to the Constitution, treaties, and laws of the United States. I must say, that I regard them as deserving much graver considerations than they seem to have received in this excited controversy.

This Law violates the State Constitution.

A state law may be constitutional as respects the United States Constitution, and yet be a violation of the Constitution of the State, which is the supreme law in the Commonweaith, that legislators, judges, jurors, and citizens, are bound to obey in preference to any enactment by the General Court.

The fundamental principles of the State Constitution which this law violates, are,

1st., the unalienable right of acquiring and possessing property. Art. 1.

2d. The right each individual of the Society has to be protected by it in the *enjoyment* of property according to *standing laws*. Art. 10. The guarantie that no *part* of the property of an individual can be justly taken from him without compensation.

3d. The covenant of the social compact, "that all shall be governed by *certain laws* for the *common good*;" and "the duty of the people in framing a Constitution, is to provide for an *equitable* mode of making laws." Preamble.

4th. A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to those of *justice*.. Art. 18.

5th. That no association of men have any title to obtain exclusive advantages distinct from those of the community than what arises from services rendered to the public. That government is instituted for the common good, and not for the profit or private interest of any class of men. [This last objection applies to the employment of Physicians as an exclusive class or profession, who are to have the profit of the trafic taken from the retailer and transferred to them.]

Effect on property rights, as to acquisition.

We have seen that alcohol is property, under the supreme laws of the land, (the acts of Congress and the United States Constitution,) as much as tea, coffee, clothes, or any article of merchandize.

There is no power in the State to prevent its being mixed up and incorporated with all other property a citizen has a right to acquire. This is the condition of the cession made to Congress by all the States.

It being property subject to acquisition, and beyond the prohibition of State laws, the State cannot pass a law that one class of men may acquire and possess it, and another class shall not. The State may regulate the *means* of acquiring property, but it must leave every citizen free to acquire it in greater or less quantities, according to his means.

*This refers to the leading case of Gibbons *vs.* Ogden & Wheaten, which overthrew the Steam Boat monopoly in New York. Those who cite the private opinion of Chancellor Kent in favor of the United States Constitutionality of the fifteen gallon law, would do well to remember that Mr. Kent also gave his opinion in favor of the Steam Boat monopoly, but was overruled by the Supreme Court.

But this law says that those who can acquire fifteen gallons or fifteen dollars worth of this property, at one time, may do it; while it says that those who cannot acquire that amount, shall *not* acquire any, unless through a violation of law.

Where is the difference between this and a law which should prohibit a citizen from acquiring less than fifteen dollars worth of food or clothing at one time? Would such a law be just and equal?

Effects as to enjoyment of Property.

Property is also to be *enjoyed* according to *standing laws.* These laws make no distinction as to any class of men enjoying a large amount of property, while another class who have little, are not to be allowed to enjoy that little.

Standing laws for two hundred years have protected the enjoyment of this property in any quantity men chose to possess it. Until now it could always be bought and sold, in any quantity, for any use. There can be no legal enjoyment of property without the right to buy and sell. But this right is taken away from a certain quantity of this property, such as the man of moderate means can acquire, and yet the larger quantity of the same property, which the rich can acquire, is left as free to his enjoyment as is all other property under standing laws. This is as open and manifest a violation of the Constitution as it would be to prevent a farmer from selling over one bushel of rye at a time, under pretence of stopping distillation.

The Constitution declares that no *part* of property shall be taken away from any individual, without compensation. This law confiscates one seventh part of the property in this article, by declaring that the part under fifteen shall not be sold, acquired, or enjoyed; and it deprives all who cannot obtain over a seventh part, from lawfully obtaining *any!* Where is the difference between this and a law depriving men of acquiring less than the seventh part of a dollar, or of one hundred dollars,—or of one hundred acres of land? Of what avail are *standing* laws in regard to property, if the Legislature can, at will, make such restrictions as this to limit its use, acquisition and enjoyment? And as all property comes under the same standing laws, where is the power given in the Constitution to single out *this* property from others; and proscribe it, or any part of it?

The Legislature is only an *agent*, with the Constitution for its power of Attorney, to act for the people. If it cannot show the express or fairly implied grant of this power, the exercise of it is open usurpation. Where is such a power given or implied in the Constitution?

Effects on Equality of Laws and Rights.

Again:—The whole object and design of the Constitution was to insure the making of *equitable laws*, and a constant adherence to the principles of *justice* is enjoined.

The object of this law is to make it very difficult, if not impossible, for men of small means to get ardent spirits lawfully. It thus divides society horizontally, according to property or credit, and denies the first broad principle of equitable laws, that *every man shall have his money's worth.* Why should your fifteen dollars be able lawfully to buy fifteen measures of property, while my dollar cannot lawfully buy *one*, although the seller is as ready to sell one to me as fifteen to you? No sophistry can make this a just or equitable provision in any law, and no other law in existence has any such provision in it.

The broadest and largest principle in property rights, which covers every thing in our institutions is this—that every man, high or low, rich or poor, shall have the *equal right to acquire, possess and enjoy his money's worth of all lawful property that is susceptible of divisibility, to the minimum extent the seller chooses to divide it.*

This principle the act of 1838 directly violates, while no other act in the statute book infringes it. Surely then, this is a new and dangerous principle in legislation.

When such is the design and effect of a law, got up under great professions of philanthropy, it is wise for the people and for their Legislature to ponder well the maxim of Washington, in his Farewell Address:—

"Resist with care the spirit of innovation upon the principles of your government, however specious the pretexts."

This principle may be traced back to the earliest foundation of government in this State. Governor Winthrop's definition of true liberty, was this, in 1660:—

"Civil, moral, and federal liberty, consists in every man *enjoying* his *property*, and having the *equal* benefit of the laws of his country."

Does the man whose limited means prevent his buying fifteen gallons at a time, without great inconvenience, or who does not want to use so much in a year, have the equal benefit of this law with the man of large means, who can buy that quantity without inconvenience?

To this equal enjoyment according to means, in every individual, and this equal benefit of laws, whether of prohibition or privilege, the Act of 1838 is utterly repugnant.

If then the Bill of Rights be any thing but a rhetorical flourish, this act is palpably a violation of the Constitution, and can never be regarded by the citizens as a law of the land.

The question of Expediency and Enforcement.

We now come to the matter of expediency, and the practical enforcement of this act. All the argument tends to this point.

The act was not necessary to keep society together. There was no palpable outrage on society demanding it, and it was no certain remedy for the evils of intemperance. It is therefore inexpedient unless the public mind is so fully prepared for it, as to readily settle down into a general acquiescence. Every doubt that attaches to its expediency, constitutionality or fairness, will operate directly against its enforcement; and if not enforced, it will be worse than no law on the subject.

It is inexpedient, because it presses a moral cause beyond the rule of good government. That rule is well laid down to consist in this:

"To find the *maximum* of voluntary influence and the *minimum* of legal coercion,—and to do nothing by law that can be done by opinion, or custom, or morals, or religion."

All that goes beyond this in attempting to enforce moral restraints, constitutes a *force law*, and this is what we mean by calling this act a *force law*.

It is inexpedient, because, before it was passed, there was a general acquiescence in the temperance reform, and even in the laws, (objectionable as some of them were,) passed to aid that reform; but this act will embody resistance by extreme pressure, and drive men to an investigation of the principles of these laws of restraint upon lawful opinions and appetites, which may endanger the whole, and carry you back far beyond the point you started from.

A law that cannot be enforced will amount to universal license. The common sense of common justice will revolt at such a law, and juries will not, perhaps, be found to agree upon verdicts under it. The constitu-

tionality of this law will be argued to them, and they have the right to determine the law as well as the fact, in each case.

Laws all depend on public opinion; especially so when designed to enforce a moral reform. Public opinion, which was doing all that could be hoped for, in this reform, will react under the pressure of this law of prohibition; to what extent remains to be seen, but inevitably to the extent of rendering this law nugatory.

Public opinion will sustain all proper and necessary restraints of wholesome regulation, applied to places and occupations, and not to property and classes. But it will resist prohibition, and in that struggle it may break down the whole barrier which custom and moral influence have raised against habits of dangerous indulgence. For these consequences those who shall press this bad law, if they retain it, will be morally responsible.

The law is inexpedient, because it was not called for by the necessities of the temperance reform. It is the *few* who want excitement, and who cannot wait for the good seed sown to spring up and bear fruit—it is *they*, and not the cause, that have demanded this experiment, and therefore it must fail.

The only proper use of penal laws is to apply punishment and sometimes prevention, to overt acts, wrong in themselves. This law is designed to prohibit the temperate use in *all* of the comparatively poorer classes, because *some* may use it intemperately. It cannot hold good in law or morals that all men shall be denied a right, because some may use it wrongfully. It is lawful to drink. Shall all men be denied this right because some may drink too much? Why cut off my hand, because my neighbor may imbrue his hand in blood?

It is in the nature of a law against *freedom of opinion*,—for what is total abstinence but the result of opinion? Good citizens differ as to the necessity of total abstinence. It is therefore a conflict of creeds, and systems of living. Your law comes in, in aid of one creed and one system against the other. What is this but a revival of the old doctrine of wholesome persecution, to convert men to particular creeds and notions by force of penal laws, after argument and moral suasion have failed?

It is a violation of the original Temperance Constitution and pledge.

Those who began the Temperance reform repudiated all resort to force laws. Such were the terms of the original enlistment in this good cause, and the attempt to pervert it to purposes of legal persecution, is a departure from the original Constitution, and absolves from further union or coöperation with Temperance Societies, all who do not mean to become persecutors, and who disclaim invoking the strong arm of the law to punish men for not thinking as they do.

The Constitution of the American Temperance Society, which first promulgated the great moral remedy of total abstinence, and which remains unchanged to this day, utterly repudiates all force laws. This will be seen by an examination of the articles of association. The preamble says:

"Whereas the various measures which the friends of Christian morality have adopted, though not altogether unsuccessful, have been found quite insufficient to give any effectual and permanent check to this desolating evil; and whereas some more *vigorous means* are evidently required,—therefore the friends of domestic and social happiness, wishing to do all in their power to promote the welfare of their fellow men, resolve to form a Society" &c.

And what were these "more vigorous means"? Not pains and penalties, but, (says the preamble,)

"Some system of *instruction* and action which will make a *steady* and powerful

impression on the present and following generations, and *in this way*, ultimately effect *a change of public sentiment and practice* in regard to the USE of intoxicating liquor, and *thus* put an end to that wide spreading intemperance, which has already caused such desolation in every part of our country."

Not an allusion to force laws, fines or imprisonment. It was to be a system of *instruction*, not of prosecution ;—a change was to be made in public sentiment by appeals to understanding and feeling,—not by pimps, spies, and informers!

A change was to be made in regard to the voluntary USE, not whips and scorpions, fines and bolts, fire and fagot to be applied to the *dealer* in the article. His customers were to be taken from him by moral suasion and the change in fashion and habit, not by *indictment;* for when public sentiment abolished the *use*, the sale, which was the *consequence*, not the *cause* of the use, would disappear with it!

The only qualification of membership, was to abstain from the *use* of intoxicating liquor, and the following are all the duties enjoined in the 8th article, upon the officers and agents of this society, in carrying forward the work, viz.:

"To make appropriate communications, by pamphlets, correspondence, and personal interviews, to ministers of the gospel, to physicians, and others, and to consult and co-operate with them for the purpose of guarding those under their influence against the evils of intemperance; to take pains, in all proper methods, to make a seasonable and salutary impression, in relation to this subject, on those who are favored with a public and refined education, and are destined in various ways to have a leading influence in society; to make it a serious object to introduce into the publications of the day, essays and addresses on the subject of intoxicating liquor, and to induce teachers, and those concerned in the support of schools, to labor diligently to impress the minds of the young with the alarming and dreadful evils to which all are exposed who indulge themselves in the use of strong drink; to make affectionate and earnest addresses to Christian churches, to parents and guardians, to children, apprentices, and servants, and all other descriptions of persons, and to set clearly before them the effect of spirituous liquor on health, on reputation, and on all the temporal and eternal interests of men, and to urge them, by the most weighty arguments, drawn from the present and the future world, to keep themselves at a distance from this insidious and destructive foe; to do whatever is practicable and expedient towards the forming of voluntary associations for the purpose of promoting the ends of this Society; and, in general, to labor, by all suitable means, and in *reliance upon the divine blessing*, to fix the eyes of persons of both sexes, and of all ages and conditions, on the magnitude of the evil which this Society aims to prevent, and on the immeasurable good which it aims to secure; and to produce such *a change of public sentiment*, and such a renovation of the habits of individuals, and the customs of the community, that, in the end, *temperance, with all its attendant blessings, may universally prevail.*"

Here "*the divine blessing*," and not "the strong arm of the law," is invoked, as the sole reliance in promoting the cause.

This was the original purpose and pledge of the Temperance reform; and Mr. Chairman, as one of its earliest adherents and disciples, literally a pioneer in the work, and holding as I still do, the relation of membership to some five Temperance Associations, of two of which I drew the Constitutions and made the firstreports in 1827; I here charge the movers of this *law temperance*, which is now to be enforced by pains and penalties, with *a gross departure from the original principles of the institution.*

I hold them as guilty, (in a moral point of view,) of perverting the true faith of temperance, and becoming persecutors, as were the bigots in religion, who changed the mild influences and the long suffering of early Christianity, into the rack, the gibbet, and the fagot.

With such persecuting and furiously proselyting temperance, I disclaim all association, as I would with such religion. It has taken the sword, and it will perish by the sword.

Thus do we find this obnoxious law, not only violating the Constitutions of the United States and the State, but the Temperance Constitution itself. And, are free men or temperance men, to be called on to support such a law?

This law, and the means taken to enforce it, are a perversion of the original temperance reform, in another important respect. The design never was to reach the drunkard or the tippler. The constitution of the society says:

"It is to be adopted as a *principle*, that while we are to make use, perseveringly, of all fit and promising means for the reformation of those who have already, in different degrees, contracted habits of intemperance,—the utility of the institution must *chiefly* consist in guarding against danger, those who are yet uncontaminated by this loath some and fatal vice."

But what say those who press this law upon us? Why, that they are wearied in well doing; that they have convinced all who they think are fit to be reasoned with, and that a class of men are left who are too obstinate to be convinced, and they must have law to put them down and send them to prison.

This law, then, is designed expressly to persecute and punish the incorrigible, or those who will not be convinced; and therefore it is a direct violation of the mild doctrines upon which the temperance reform, like pure Christianity, was placed by its founders, e'er charity and meekness had been changed to ferocity and despotism by the ambition of a few ruthless leaders, and the lust of party power.

No liberal man who started in the original temperance reform, before it became degraded into a persecuting, political party, can fail to perceive the great change in all the movements of Temperance Societies. This change has morally absolved him from an association with persecutors and proscribers. He cannot go into their meetings now, as he once did, and hear temperance discussed. It is all law and the lash. Moral and social influences are almost scouted there, as mean and spiritless, and the cry is, "give us the law, give us the power, down with our opponents; murderers, thieves, robbers! crucify them, crucify them!!"

Instead of going into the social circle to protect from the habit by moral influence, those who have not fully acquired it, this law assumes to operate on those whose appetites cannot be restrained without enforcement of penal enactments. It aims at those of supposed fixed habits; it leaves the highest and richest, who are generally supposed to set the fashions, to indulge freely in their choice wines and their fifteen gallons of strong proof; while it attempts to hedge round the poor man, and to

cut him off from his little indulgence, because he has not the means to buy larger and drink deeper. Can such a law commend itself to the common understanding and the common conscience, as a law which those who exempt themselves from it, really passed for the common good?

Temperance has been injured by force Laws.

The cause succeeded better on its original moral basis, than it has since done by attempting to bring in the aid of force laws, contrary to its own constitution. Moral influences began to operate generally in 1828—29.

Force laws began to be applied and felt in 1832—33. Contrast the two periods of five years each, under moral and legal appliances.

TABLE No. 1.

Schedule of Imports and Exports of Foreign Ardent Spirits in the United States, from 1829 *to* 1833, *inclusive.**

Years.	Imported.	Exported.	Home Consumption.
1829	3,423,000	735,000	2,688,000
1830	1,692,000	706,000	986,000
1831	2,491,000	639,000	1,852,000
1832	2,810,000	662,000	2,148,000
1833	2,954,000	728,000	2,226,000
Total 5 years,	13,370,000	3,470,000	9,900,000

Imports and Exports of the United States from 1834 *to* 1839.

Years.	Imported.	Exported	Home Consumption.
1834	2,511,000	511,000	2,000,000
1835	3,394,000	310,000	3,084,000
1836	3,524,000	272,000	3,252,000
1837	2,672,000	299,000	2,373,000
1838	3,092,000	232,000	2,860,000
Total 5 years,	15,192,000	1,624,000	13,569,000
	13,370,000	3,470,000	9,900,000
Increase of the last 5 years.	1,823,000	1,846,000 Decrease of Exports.	3,669,000

* This statement is made, not from the Temperance tracts, but from returns certified by the Treasury Department at Washington, and politely transmitted to Mr. H. by the Secretary of that Department. The hundreds are omitted as unimportant, and to avoid unnecessary figures.

It appears, from this comparison, that the average consumption of foreign spirituous liquors in each year, for five years, from 1829 to 1833, when moral suasion and "the divine blessing" were relied on, was 1,980,000 gallons.

For the five subsequent years, when the effects began to be felt of calling in "the strong arm of the law," the average consumption of each year has been 2,713,800 gallons; shewing an average increase in each year during the last five, of 833,800 gallons.

The *decrease* under moral suasion, between 1829 and 1833, was 442,000 gallons. The *increase* between 1834 and 1838, under force laws, is 860,000 gallons. Net difference *against* the latter period, 1,276,000 gallons.

The average annual *decrease* from 1829 to 1833, was 92,000 gallons. The average annual *increase* from 1833 to 1839, has been 172,000 gallons. Difference *against* the latter period annually, 264,000 gallons.

Imports into Boston.

This unfavorable result for the cause of temperance is shewn still more decisively in the State of Massachusetts, where law Temperance was first started in 1831—2, and has been pushed farther than in all the other States in the Union.

TABLE No. 2.

Importations of Spirits and Wines into Boston, and Exports of Spirits (foreign) from 1829 inclusive, to 1839, (10 years.)

Year	Brandy	Rum	Gin	Total Spirits	Exported Foreign	Home Cons'mption	Wine Import'd	Total Wines & Spirits	Domestic Exp'td
1829	85,750	319,790	92.400	497,940	181,964	315,980	466,500	954,440	
1830	21,100	265,810	78,160	364,070	118,829	245,241	2 0,680	644,750	4,503
1831	60,600	348,820	104,510	508,930	150,626	358,304	511,360	1,020,290	26,035
1832	91,840	222,810	165,460	480,110	186,151	293.959	887,850	1,367,960	2[illegible],545
1833	1[illegible]9,030	135,690	127,[illegible]70	391,790	17[illegible],304	18,486	620,840	1 012,630	47,530
1834	[illegible]8,550	117,600	73,810	279,960	98,65[illegible]	181,304	557,790	837,750	230,948
1835	124,730	156,420	120,850	401,7[illegible]0	35,712	365,988	489,650	89[illegible],350	234,[illegible]11
1836	156,420	190,180	177,350	523,95[illegible]	41,696	482,254	737,94[illegible]	1,[illegible]61,890	11,169
1837	72,360	89,320	116,460	278,14[illegible]	22,452	255,688	397,000	675.140	64,814
1838	98,650	133,[illegible]	2[illegible]5,[illegible]	437,32[illegible]	16,[illegible]44	421,276	374[illegible]	811,400	1[illegible]5,169

Taking Five Years, from 1829 inclusive to 1834.

Frm 1829 to '34	Brandy	Rum	Gin	Total Spirits	Exported Foreign	Home Cons'mption	Wine Import'd	Total Wines & Spirits	Domestic Exp'td
Frm 1834 to '39	388,320	1,292 920	567,600	2,242,84[illegible]	810,871	1,431,970	2,767 230	5,000 070	325,[illegible]58
Tot'l	51[illegible],710	686,79[illegible]	693,870	1,921,[illegible]	14,5[illegible]	1 706,51[illegible]	2 556,46[illegible]	[illegible]477,53	426,143

Increase of Brandy,	1[illegible]1,39[illegible]	Decrease of Wines Imported	210,770	Spirits. Average *Consumption* the first 5 yrs. to 1834,	286,394
Decrease of Rum,	605,130	Decrease of Wines and Spirits Imported	522,540	Average Consump. per year the last 5 years, to 1839,	341,302
Increase of Gin,	126,270	Deducting fm. decrease of Exports,	596,314	Difference in the average of the two periods.	54,908
Decrease of Spirits,	321,770	Leaves increased Consumption of Wines and Ardent Spirits,	73,774 gallons.		
Decrease of Exports,	596,314				
Increase Consumption,	274,540				
Increase of Domestic *Exported*,	101,085				

Wine average the first 5 years, per year,		553,446
do. do. second 5 years,		511,292
Average *Consumption* of Spirits the last 3 years,	386,4[illegible]6	gallons.
Average Consumption the seven preceding years,	282,752	"
Showing in favor of 7 former years, each year,	103,654	gallons.
Average Consumption of two last years,	338,482	"
Still showing a greater average than 8 preceding years, by	30,790	gallons.
Increased Importation of Spirits into Boston in 1838 over 1837,		159,180
Diminished Import of Wines during same time,		22,920
Increase of Importation of Spirits in 1838, over the average of 1836, '37, and '38,	4[illegible]3,137	
Import of 1838,	437,320	
Difference in 1838,	24,183	gallons.
Increased *Consumption* of 1838, over the average Consumption of 1836, '37, and '38,	34,870	do.
Increased *Consumption* of Spirits in 1838 over 1837,	165,588	do.

Boston furnishes rather less than one twenty-eighth part of the whole revenue of the United States, and yet in 1838 *one-third* of the increased imports of spirits in the whole Union, was made at the port of Boston!

A startling fact this, that where the laws have been severest, importation has been largest.

TABLE No. 3.

Comparison of Imports and Exports of Spirits in Boston between two periods of five years,—from 1829 *to* 1834, *and from* 1834 *to* 1839.

Five years,—from 1829 to 1834.

Imported.	Exported.	Consumption.	Domestic Spirits exported from 1831 to 1835.
2,242,840	810,874	1,431,970	235,058

Five years,—from 1834 to 1839.

Imported.	Exported.	Consumption.	Domestic Spirits exported from 1835 to 1839
1,921,070	214,560	1,706,510	426,143

Showing increased Consumption the last 5 years,	274,540	gallons.
Increased Export of Domestic Spirits the last 4 years, in two periods of 8 years,	191,583	do.
Average Consumption of Foreign Spirits for the first period of five years, per year,	286,394	do
Average Consumption of the last five years,	341,302	do.
Increased Average,	54,908	
Average Consumption the last three years,	386,406	
Average of the seven preceding years,	282,752	
In favor of the 7 first years,	103,654	
Average Consumption of two last years,	338,482	
Average of the eight preceding years,	307,690	
Increased average of the two last years,	30,792	
Increased Consumption of 1838 over 1837,	165,588	galls.

The whole increase of 1838, in the United States, is 497,000 galls., *one third* of which is in Boston, alone!

Another singular fact in these statistics is, that while the consumption of alcohol in the form of rum, brandy, and gin, has increased, its use in the form of *wine*, has diminished. The wines consumed in the United States, in 1837, were 5,992,000 gallons. In 1838, 4,047,000 gallons. Decrease, 1,945,000 gallons.

The wines imported into Boston in 1837, were 397,000 gallons. In 1838, 374,000 gallons. Less, 23,000 gallons.

And yet all the force laws have been applied exclusively to ardent spirits, which have increased under them, while *wine*, that has been left without restraint, has diminished, under moral suasion. Had the restraints been applied to wine and not to spirits, the reverse would unquestionably have appeared. Such are the laws of human nature.

Increased Sales in Boston.

We are prepared to shew further, the unfavorable influence of force laws upon Temperance, by the increased sales from Distillers and large dealers, since this law was first agitated. We shall offer direct proof of this fact, and shall also shew that the sales have been very large, and equal to, if not greater, than in former years, by the dealers in Boston, for consumption and

sale in the counties where for three or four years past the Commissioners have withheld all licenses. The fact of the increased sale under prohibition, is well understood by the large dealers in this merchandize, and can be demonstrated by an examination of their books.

In the midst of the senseless and unchristian vituperation cast upon this portion of our fellow citizens, by the temperance persecutors of better men than themselves, it is but just to recur to this evidence of their fairness and their disposition to do right. It will be understood better hereafter, should this law not be repealed.

But let it now be stated and remembered, that so far as profit is concerned, the dealers are directly interested in keeping up this law. It will put money into their pockets. It will increase the consumption, increase the demand, increase the sale, and increase the profit. It has had this effect already, and will continue to have this effect with increasing force, the longer it is persisted in. I respect these citizens for the evidence they thus give of a desire to reform the law, though it will be at a loss of profit, rather than avail themselves as they might, of a bad law, to increase their profits.

The immoral tendency of the Law.

This brings us to consider the influence of such a law on morals and the public justice. It will be evaded in all possible forms, where it cannot be openly disregarded. It gives a free license to wine shops, which are now restrained, and under the name of wine, all things can be sold.

"Tell me where wine ends and brandy begins," was the shrewd remark of a dealer who was asked what he should do if this law was not repealed.

It will induce malicious prosecutions on one side, revenge and violence on the other, and perjury in your Courts on both. It will engender bigotry in the prosecutions, and hypocrisy in those who will indulge their appetites secretly, while openly pretending to go for the law.

It has excited, and will continue to excite, angry feelings and bitter collisions, destructive of good neighborhood and the social affections. Your criminal Courts will be filled, not only with prosecutions for violations of this Act, but for the breaches of peace, slanders, libels, and personal assaults, that will grow out of the vain attempts to enforce it. In a word, instead of a law of prohibition, or of regulation even, it will become in effect, a law of universal license.

The Expense of Enforcing such a Law.

Has the cost been counted? There will be great resistance to so unreasonable a law, and the costs of criminal prosecutions of all kinds, growing out of it, will greatly enhance the public expenses in the administration of justice, which already costs $81,000 annually, in this Commonwealth.

Who will pay this additional expense? Will the getters up and supporters of this law? At present it must fall upon the State, already obliged to borrow to meet the excess of her current expenses, over the annual income.* The Governor, in his annual Address, alludes to the increase of County balances, as among the causes of increased expendi-

* To escape from this unpopular effect of the law, the Legislature subsequently threw the County balances upon the Counties, and took the fines for the General Treasury. But who pays? Is it any saving to pay a State tax by calling it a County tax? Will a citizen of Boston, for instance, find it cheaper to pay County balances as a Suffolk man, than he would as a Massachusetts man?

tures. In 1832, these balances were $28,626. In 1838, they were $68,680, showing an increase of $40,000. Much of this grows out of prosecutions under force temperance laws. The increased expenses between 1836 and 1838, have been larger in the prohibitory than in the licensing Counties.

The angry feelings this law engenders.

These are to be taken into the account where a new and unheard of law is made, under the pretence of improving the moral condition of the people, and promoting the social affections.

This law will not only prove to be the mother of hypocrisy in those who enforce and those who evade it, but it will engender angry and vindictive feelings. It singles out for proscription and punishment, a respectable class of citizens, whose business has been sanctioned by the laws for two hundred years.

Assertions like these are made in reference to such men, by one of your honorable Senators, who voted for this law.*

"They ought to be charged in account annually, for one half the pauperism, one half the insanity, one half the conflagrations, one half the suicides, thefts, murders, and rapes of society."

Epithets like the following are heaped upon these citizens by the newspaper organ of the supporters of this law, which daily grossly and openly violates the law of libel, (if there be such a law,) while exclaiming with horror against other violators of law!

[Epithets from the Mercantile Journal.]

"Whig liquor dealers, whose inclination to deal in rum is more than a match for their patriotism; petty, little faction; dictators of the party; playing a deep game; preconcert, manœuvering, and fraud; selfish and private ends; secresy of some eastern despotism; tainted with fraud, treachery, usurpation, proscription, and favoritism; proscriptionists; RUM WHIGS, AND RUM-SELLERS; STRIPED PIG LIQUOR DEALERS!"

Harsh epithets have led to harsh laws. This law was preceded by a systematic attempt to create a new moral offence in society. Professedly christian men publicly branded their fellow citizens who were as free from crime or evil intent as themselves, with robbery and murder.

I deprecate in Christian ministers, whose moral influence would else be as salutary in this cause as their learning is eminent, remarks like these, calculated to stir up worse passions than intemperance itself engenders.—

"I challenge any man, who understands the nature of ardent spirits, and yet continues to be engaged in the traffic, to show that he is not involved in the guilt of murder."—LYMAN BEECHER.

"No man can act on Christian principles, or do a patriot's duty to his country, and make or sell the instruments of intoxication."—HENRY WARE.

"The evils of intemperance can never cease until the virtuous in society shall unite in pronouncing the man who attempts to accumulate wealth by dealing out poison and death to his neighbor, as infamous."—JOHN PIERPONT.*

In contrast with these unchristian denunciations, I love to hear opinions

* Hon. S. G. Goodrich, of Norfolk.

* And yet, strangely inconsistent as it must seem, these estimable and reverend gentlemen have been for years, and still are, supported in their parishes, to a very considerable extent, by the men they pronounce traitors, murderers, and infamous! Are they not, by their own showing, content to receive from these men the price of blood?

like this, from wise and eminent men in the land. It will do more good than volumes of abuse, or a whole code of force laws:—

"Being satisfied from observation and experience, as well as from medical testimony, that ardent spirit, as a drink, is not only needless, but hurtful; and that the entire disuse of it would tend to promote the health, the virtue, and happiness of the community, we hereby express our conviction, that would the citizens of the United States, and especially all *young men*, discontinue the use of it, they would not only promote their own personal benefit, but the good of their country and the world.

Signed, JAMES MADISON,
ANDREW JACKSON,
JOHN QUINCY ADAMS."

Does public opinion demand this Law?

This is not a mere question of majorities. To make such a change as this in legislation, affecting voluntary morals, and not the immediate exigencies of society, the demand of public opinion should be open, manifest, unquestionable, and to a degree, unanimous. The sudden passage of this law in 1838, was a surprise upon the public. It was the result of external pressure upon the Legislature, by self constituted societies, and of an ex-parte hearing before an ex-parte committee. No law ever raised a more decided opposition, from the moment of its passage. It has kept the community in a broil ever since. What has been the popular expression as indicated by the return of members this year? (1839.)

Elections of *twenty-three* Senators by the people have been prevented, solely by opposition to this law, in six out of fourteen counties, namely, Suffolk, Worcester, Middlesex, Norfolk, Hampden, and Franklin, leaving but seventeen chosen by the people.

In the Senate of 1838, twenty-four Senators voted for the law, and nine against it. Of the twenty-four who voted for the law, nineteen were candidates for re-election. Ten were chosen, and *nine* were defeated.

Of the nine Senators who voted against the law, five were candidates; three were chosen, and two defeated.

The popular vote, as far as it can be estimated, from the known opinions of the candidates, without regard to party, gave the following results:—

In *Suffolk*, the majority against the law was 5099. In *Worcester*, the opponents of the law threw an average of 638 more votes than its friends. In *Franklin*, the majority over the candidate who would not declare against the law, was 643. Here is a majority of 8049 in three counties, which all the other counties cannot balance on the other side.

In *Hampden*, the candidates supported on open ground of opposition to the law, combining both parties, had 3805 votes, to 2616 for advocates of the law. Difference 1189. Mr. Boise, who voted for the law, was in a minority of 416. Mr. Ives, who opposed the law, in a minority of 204. An entire liberal ticket prevented an election.

In *Norfolk*, three candidates who had voted for the law, were defeated. The two candidates having the highest votes, were against the law. The scattering for the liberal ticket would have elected them.

In *Bristol*, one who voted for the law was beaten. Those chosen were not supporters of the law, and one, (Mr. Whitmarsh) had published his opposition to it, and his determination to vote against it, if elected.

In *Middlesex*, one who had voted for the law was elected. One for it, and one against it, rejected. Of the three having the highest vote, two were against the law and one for it.

Hampshire was equally divided, one for the law and one against it. But Mr. Clark, who had voted against the law, had 275 more votes on the same ticket, than Mr. Lawrence, a champion of the law, and President of the Senate.

Berkshire, Essex, Plymouth, Barnstable, and Nantucket, re-elected supporters of the law.

The popular will, as shown in the canvass for Senators, gave the preference to candidates divided on this question, as follows:—

	Against the Law.	*For the Law.*
Suffolk,	6	0
Middlesex,	3	2
Worcester,	6	0
Essex,	0	6
Hampshire,	1	1
Franklin,	1	
Hampden,	2	
Berkshire,		2
Norfolk,	2	1
Plymouth,		2
Bristol,	2	1
Barnstable,		1
Nantucket,		1
	23	17

In the House, but a very small portion of those who voted for the law were sustained by the people in 1839;—not one in three, as is seen by the following table.

Number of members in the several Counties, who voted on the Law of 1838, *and were re-elected in* 1839.

	Yeas in 1838.	Re-elected in 1839.	Nays in 1838.	Re-elected in 1839.
Suffolk,	16	3	28	5
Essex,	36	17	7	3
Middlesex,	30	4	18	9
Worcester,	30	4	22	11
Hampshire	15	6	2	1
Hampden,	8	0	6	0
Franklin,	8	2	8	5
Berkshire,	5	1	5	1
Norfolk,	19	10	7	4
Bristol,	19	8	3	1
Plymouth,	20	10	0	0
Barnstable,	18	10	0	0
Dukes & Nantucket,	5	2	0	0
	229	77	106	39

This unusual change in the members has taken place, so that although the great object of the supporters of the law was to prevent its repeal in 1839, they have nevertheless returned but *seventy-seven* of the original advocates of the law; thus clearly indicating that the unpopularity of that measure has obliged the friends of the law to take new candidates, who were not known to be pledged to uphold the law.

Neither was there a full expression of the representatives in passing the law at the close of the session of 1838. It was in fact passed by a *minority* of the House, and was almost the last Act of the session. The whole number of members belonging to the House, in 1838, was 478, requiring 240 for a majority. But 229 voted *for* the law, which is *eleven* less than a majority. It was therefore passed *by a minority* of the House!

Of the whole number of members in the respective Counties, there were wanting majorities for the law, viz.—in Suffolk, 25 less than a majority; Worcester, 9; Hampden, 8; Franklin, 4; Berkshire, 19; Bristol, 2.

Total, 67. The Counties where majorities of the members voted for the law, were, Essex, 13; Middlesex, 2; Hampshire, 9; Norfolk, 5; Plymouth, 7; Barnstable, 12; Dukes and Nantucket, 1. Total, 49.

The opponents of this law, therefore, show conclusively, that there has not been a fair and full expression of the public sentiment upon it; and that the elections for 1839, indicate a decisive expression against the law, calling for a modification or repeal of it at the present session.

Conclusion.

What then have the people a right to expect, and what can be done to settle this unhappy conflict in a question of public morals and private right? The answer of the opponents of this law, (who, though they may fail now, never will, and never can cease to oppose its arbitrary and unjust principles,) is "*regulate*, but not *prohibit*." Apply your laws to places and police, not to property or its uses,—to offences, not to innocent acts; and leave the rest to moral and social influences. Do not attempt to single out and separate classes of men according to their property, who may indulge on one side of the line, and who are to be restrained on the other; nor to prescribe the quantity these two classes may or may not purchase at a time.

All history, all experience, and all the attributes of human nature, are against the success of such a law.

Your law professes to aim to stop poor men's appetites by stopping sales in small quantities. How futile!

You leave the habits and the wants of society, which demand and will have this indulgence while the article is to be found. They will seek it the more eagerly the more your law attempts to restrict it. You leave the customers, and think to stop the sale, while you increase the demand by the reaction against your law.

You leave the free importation of ardent spirit,—you leave its manufacture,—you leave its unrestrained sale over fifteen gallons,—you leave wine, in all its gradations, unrestricted in any quantity, and by any one who chooses to expose it to sale;—and yet you expect such a law will put an end to tippling, and compel the poorer classes to resort to total abstinence!

Be sure of it, the end of this law, if it be unwisely persisted in, will show the folly of such an estimate of human nature.

We have history for it, and history is philosophy teaching by example. I pray your attention to the following extract from a highly authentic work, (McCulloch's Encyclopedia, page 1073,) shewing the effects of just such laws as this, designed to be prohibitory, which the ultra friends of temperance attempted to enforce in 1742, with the same mistaken zeal that influences the ultra friends of Temperance, in 1839. Let them not rely on the supposed difference in public sentiment now and an hundred years ago. If men love temperance more than they did then, so do they love liberty and hate arbitrary laws more. They can be more easily *persuaded* now, but cannot be so easily *driven*, as in 1742.

[*Extract from McCulloch, p.* 1073.]

"During the latter part of the reign of George I., and the earlier part of that of George II., gin drinking was exceedingly prevalent; and the cheapness of ardent spirits, and the multiplication of public houses, were denounced from the pulpit, and in the presentments of grand juries, as pregnant with the most destructive consequences to the health and morals of the community. At length, ministers determined to make a vigorous effort to put a stop to the further use of spirituous liquors, except as a cordial or medicine. For this purpose, an act was passed in 1736, the history and effects of which deserve to be studied by all who are clamorous for an increase of the duties on spirits. Its preamble is to this effect:—'Whereas, the drinking of spirituous

liquors, or strong water, is become very common, especially *among people of lower and inferior rank*, the constant and excessive use of which tends greatly to the destruction of their health, rendering them unfit for useful labor and business, debauching their morals, and inciting them to perpetrate all vices; and the ill consequences of the excessive use of such liquors are not confined to the present generation, but extend to future ages, and tend to the destruction and ruin of this kingdom.' The enactments were such as might be expected to follow a preamble of this sort. They were not intended to repress the vice of gin-drinking, but to root it out altogether. To accomplish this, a duty of *twenty shillings* a gallon was laid on spirits, exclusive of a heavy license duty on retailers. Extraordinary encouragements were at the same time held out to informers, and a fine of £100 was ordered to be rigorously exacted from those who, were it even through inadvertency, should vend the smallest quantity of spirits which had not paid the full duty. Here was an act which might, one would think, have satisfied the bitterest enemy of gin. But instead of the anticipated effects, it produced those directly opposite. The respectable dealers withdrew from a trade proscribed by the legislature; so that the spirit business fell almost entirely into the hands of the lowest and most profligate characters, who, as they had nothing to lose, were not deterred by penalties from breaking through all its provisions. The populace having in this, as in all similar cases, espoused the cause of the smugglers and unlicensed dealers, the officers of the revenue were openly assaulted in the streets of London and other great towns; informers were hunted down like wild beasts; and drunkenness, disorders, and crimes, increased with a frightful rapidity. 'Within two years of the passing of the act,' says Tindal, 'it had become *odious and contemptible*, and policy, as well as humanity, forced the commissioners of excise to mitigate its penalties.'—(*Continuation of Rapin*, vol. viii. p. 358, ed. 1759.) The same historian mentions, (vol. viii., p. 390,) that during the two years in question, no fewer than twelve thousand persons were convicted of offences connected with the sale of spirits. But no exertions on the part of the revenue officers and magistrates, could stem the torrent of smuggling. According to a statement made by the Earl of Cholmondeley, in the House of Lords—(*Timberland's Debates in the House of Lords*, vol. viii. p. 338,) it appears that, at the very moment when the sale of spirits was declared to be illegal, and every possible exertion made to suppress it, upwards of SEVEN MILLIONS of gallons were annually consumed in London, and other parts immediately adjacent! Under such circumstances, government had but one course to follow—to give up the unequal struggle. In 1742, the high prohibitory duties were accordingly repealed, and such moderate duties imposed as were calculated to increase the revenue by increasing the consumption of legally distilled spirits. The bill for this purpose was vehemently opposed in the House of Lords by most of the bishops, and many other peers, who exhausted all their rhetoric in depicting the mischievous consequences that would result from a toleration of the practice of gin drinking. To these declamations it was unanswerably replied, that whatever the evils of the practice might be, it was impossible to repress them by prohibitory enactments; and that the attempts to do so had been productive of far more mischief than had ever resulted, or could be expected to result, from the greatest abuse of spirits. The consequences of the change were highly beneficial. An instant stop was put to smuggling; and if the vice of drunkenness was not materially diminished, it has never been stated that it was increased."

These, Mr. Chairman, are the views of the great body of your fellow citizens who ask for the repeal of this law. Their stake in society, in property, in good government, in pure morals, in virtuous habits, in the education and welfare of their children, is as great as that of the supporters of this law; and they claim to be as good citizens and as philanthropic as they are. Depend upon it, that if the zealous support of this law is to be made the test of true philanthropy and of good morals, it will ultimately be found that the most energetic, industrious, intelligent and honorable, of the people of Massachusetts, must be ranked as bad citizens. They will never approve, though they may not openly oppose, such legislation.

No, Sir. The opponents of this law are among the best, and most virtuous and liberal, of your citizens. They are the rational friends of temperance; but they are the friends of liberty and enlightened laws, as well as the friends of temperance. They say to you, as the agents of the people, commissioned by them to make only *reasonable*, *wholesome*, *just* and *equitable* laws;—"repeal this law, which is founded on a false principle in legislation, and adopt other means to aid the moral reforms of the day."

They say to you;—"Punish crime wherever you find it. Preserve peace and good order in all private and public places, so far as the community is concerned. Regulate trades and occupations, and the places in which they are carried on, within the limits of the constitution, for the public good. Break up all disorderly houses, all lawless disturbances of good neighborhoods; prohibit and punish drunkenness, gambling, lottery dealing and lewdness, because in themselves crimes, and because no supreme law of the landauthorizes their importation into the State, and mixing up with the mass of property. But do not deny to lawful property its essential quality of value, *sale;* or punish an innocent man to prevent others being guilty."

"Beyond these limits you cannot go, to enforce by law, any moral reform, however noble, however desirable. Resort, as all moral reformers who were not persecutors and bigots, always have done, to reason and argument, the still small voice of moral suasion, and not apply the terror of the law, to restrain poor men's appetites. Take away the customers of the dealer by persuasion and *example*, and you will then have no occasion to resort to pains and penalties against a lawful occupation, or to brand as criminals upright citizens.

Mr. Chairman, and gentlemen of the committee: I have now discharged my duty to the memorialists, in opening the grounds of their objections to this law. They will have the aid of abler counsel in its close; but, whatever may be held to be the extent of professional latitude in, arguing a cause for, a client, I desire to be distinctly understood, that in a great question like this, affecting public morals and fundamental principles of freedom, I would not appear as the advocate for the side my judgment and conscience did not both deliberately approve.

I stand here, not less the friend of temperance, because I am the friend of liberty. In this law I see not only a blow aimed at liberty, but at the cause of temperance, and in defence of that cause, *in its original purity and purpose*, I claim a right to speak; a right, older by many years, than that of the most relentless clamorers for this law, who affect to denounce all who oppose it, as the enemies of temperance.

Here is a record, Mr. Chairman, beginning in April, 1827, prepared by me, as Secretary of a meeting, held to form a total abstinence society, which was persevered in until the following entry was made:—

"March 11, 1828.—The Secretary appeared at the Vestry, but finding only one person and the Sexton present, retired, there not being a quorum to adjourn the meeting."

Two years after this, and by the perseverance of the same individual, with two others, a numerous society of over five hundred members, was formed; and, in looking at the first printed quarterly report of that society, made by myself, in 1830, I find the same sentiments I advocate now, in these words:—

"All this moral influence has been put into operation, within four years past. There has been no *forcing system*, and there can be no appeal to selfish, sordid, or ambitious motives."

"We would enforce no man's conscience beyond its own honest promptings. We judge no man, we condemn none; nor would we, if we could, take one particle from the respectability or usefulness of any citizen who indulges in an habitual, temperate use of ardent spirits. In all other relations except the moral influence he might exert in the cause of temperance, by example as well as precept, he may, perhaps, hold a higher place in the estimation of the virtuous and intelligent, than any member of a temperance society. But, in that relation, can he exert the healthful influence that, as a moral, an enlightened, and above all, a Christian member of society, he ought to exercise?"

"The strength of Temperance Associations will go on increasing *so long* as the friends of Temperance constitute, as they now do, *solely* a *moral* party; but the moment these associations *shall turn aside* from their *legitimate purpose*, to mingle in party strife, whether in *politics* or religion, that moment, be they ever so strong, they will become shorn of their strength, and will fall an easy prey to the Philistines. *Persuasion*, and not *coercion*, example and not *dictation*, are the legitimate weapons of our *moral* warfare."—[1st Quarterly Report, July 1830, of the Providence Association for the Promotion of Temperance.]

Such was my temperance faith then, such is it now, and from that day I have not ceased to show my faith in practical total abstinence, and in moral suasion, by my *works*.

Pardon me for this allusion to my personal relations to this cause, but the unworthy attempt made to identify opposition to this law with opposition to temperance, may seem to justify it.

Here then I leave the cause of the memorialists. It has been patiently heard thus far; let it be fairly judged. The Executive who signed this law, now intimates strongly in his address to both Houses, doubts of its expediency or practicability. He invites them to a calm and dispassionate consideration of the whole subject. The memorialists earnestly desire the same; and if this matter, (aside from the pride of opinion, which often misleads men to persist in error rather than confess wrong,) can command the calm, dispassionate, and deliberate action of the Legislature, there must be but one answer to the prayer of the memorialists? "It ought to be granted!"

TESTIMONY INTRODUCED BY THE MEMORIALISTS.

Jan. 29, 1839.—Samuel A. Eliot, Mayor of the city of Boston, being sworn, and questioned, testified:—

That he had examined the law, and thought it would be extremely difficult to enforce it to any extent, in the city. In the position he occupied, as the head of the police, he had never allowed himself to doubt the practicability of enforcing any law; but this was different from any that had come under his observation. It would require unusual energy and even physical force, through a very great addition to the police, to cause it to be carried into strict execution. He could not undertake to do it, with the present disposable means of the police. He had had much practical acquaintance with the subject, and was fully satisfied, and thought the opinion would ultimately become general, that *regulation promotes temperance, and prohibition increases intemperance*. A law of regulation could be enforced, but not of prohibition, to the extent this proposed.

In answer to an inquiry as to the effect of the recent attempt to introduce stronger laws against the sale of ardent spirits, the Mayor stated, that

"During the past year, according to the reports of the night watch, it appeared that there had been an increase of the number of persons detained for drunkenness during the night. This could be only partially accounted for from the fact that there had also been an increase in the number of the night police. He could attribute it to no particular cause. The population of the city had increased but little in that time."

"The trials at the Police Court, for drunkenness, had gradually increased for some years. In 1835 the number of cases tried was 317, at an expense of $1499. In 1836, 367 cases, at $1724. In 1837, 444 cases, at $2,686. In 1838, 676 cases, at $3,177. He believed that the system of granting licences for the sale of spirituous liquors, in this city, in the present state of society, had a greater tendency to check the evils of intemperance than the prohibition of the sale of spirituous liquors."

"There were certain rules which regulated the Board of Alderman in granting licences. The number of licences granted since 1830, was as follows:—in 1830, 500; in 1831, 690; in 1832, 410; in 1833, 492; in 1834, 394; in 1835, 300; in 1836, 385; in 1837, 360; in 1838, 408."

"A large proportion, more than half of the commitments by the night watch, had been for intemperance—which was also a frequent cause of disorder and disturbance."

"He thought it would be extremely difficult, if not impossible, to discriminate between the sale of wine by the glass, and other kinds of spirituous liquors. A permission to sell wines, would doubtless be used with impunity to sell other liquors."

"There would probably be great opposition to the law from those who were accustomed to sell spirits, and those who were accustomed to buy it—although, doubtless a large proportion of the sellers would support the law if it should not be repealed—or any other which might be enacted."

"He believed that an intemperate man would be likely to drink oftener, and a temperate man to indulge more, in consequence of the passage of this law prohibiting the sale of spirituous liquors."

"In his opinion, the granting of licences had a tendency to prevent violations by the unlicensed persons."

On the cross examination by Messrs. Crosby, Bolles, Sprague, and others, who appeared in support of the law, the following facts were illicited :—

"Has the granting of licenses a tendency to increase or diminish drinking?"

"Undoubtedly the granting of licenses would check intemperance."

"What portion of the prosecutions has resulted in convictions?"

"It is impossible for me to tell; probably most of them."

"What fact have you to show that the license law has increased intemperance?"

"I know of no fact to illustrate it, except from what has come to my knowledge. I know it to be so."

"What proportion of committals to the watch-house are for drunkenness?"

"I do not know. A large proportion. More than half."

"You say that since 1834, the number of drunkards has increased. Has there been a corresponding increase of other offences, such as theft, &c.?"

"I do not know positively, but believe not."

"How great an increase of the police would it take to enforce the new law?"

"I think it would take every bayonet in the city to enforce it."

"Would licensing houses of ill fame decrease that vice?"

"I cannot say. The popularity of the vice is not the same. One is an acquired propensity. The other not."

"Do you mean to say that the whole military force of the city would be requisite to enforce the license law?"

"The attempt to enforce it would be so hazardous that it is impossible to say what means would be necessary to preserve order."

"You say that intemperance has increased during the last year, in consequence of the law. Do you mean that the drunkard gets drunk oftener, or other people drink more in anticipation of the enforcement of the law?"

"I believe both."

[We regret that owing to the noise and confusion of persons constantly coming in and going out of the hall, and the low tone of voice in which the questions were put and answered, we were unable to hear a large portion of the testimony. What we did hear of Mr. Eliot's answers appeared to be very prompt, very much to the point, very appropriate, very apt, and he did not seem at all disconcerted by the severe cross questioning which he underwent.]

THE MAYOR'S LETTER TO MR. DEXTER.

City Hall, Jan. 30, 1839.

My Dear Sir,—

It is stated in one of the papers, this morning, that I was examined as to the probable effect of the law of the last session, respecting licensing. I do not recollect that any direct question of that kind was put to me, and I avail myself of a few moments leisure to state to you what, in my opinion, will be its effect, if it be persevered in by the Legislature. Some three thousand or four thousand male adults, legal voters, in this city, will find themselves suddenly cut off from their accustomed means of indulgence of established habits—some, of the temperate, and some, of the intemperate use of ardent spirits. Of these, a large proportion will be entirely deprived, by want of means, from the power of obtaining any of their usual beverage, except by some evasion of the law, or open disregard of it, or by the very bad expedient of clubbing together to purchase fifteen gallons, and then dividing it. Besides these, a large number of dealers would lose their customers; and it cannot be supposed that all these persons will submit quietly to what they regard as an infringement of their rights. Open violations of the law, and secret evasions of it, will take place; and the enforcement of it can but set one portion of the population against

another, and produce a scene of confusion and tumult unparalleled. In all this there is not the least progress of temperance.

I was asked yesterday if great good would not ensue from the law? I answered—none which may not be produced by other means, without the agitation which is certain to be the effect of this. The temperance party seem to think this law is the only means of doing good in the cause. They regard it as a father does a pet child—a paragon of perfection, which it never was. Other laws may be devised, in my opinion, much more effectual; and a great objection I have to the law, is the probable opposite tendency of it, viz —to intemperance. Restrain,—make it *difficult* for the men I have spoken of above, to indulge themselves to excess, but not *impossible*. Leave them to their own free moral agency—put down the limit from fifteen gallons to a quart, or a pint, so that the poorest man may get intoxicated if he chooses; and then close the dram shops, i. e. say that none shall be mixed or drunk on the premises of the seller, (excepting taverners,) and I would guarantee, for a small premium, a great progress to the temperance cause, in a short time.

In answer to the question asked me yesterday, as to the facts on which my opinion was based, that licensing had a tendency to check intemperance, I ought to have said, in addition to the increase of intemperance in the city, that statements, which I believe to be true, have been often made to me of the increase of the sale of ardent spirits by wholesale dealers, the last year,—especially to those markets where prohibition has taken the place of regulation. I do not know whether this is evidence, but I was asked the grounds of my opinion, and had I been sufficiently collected, should have answered in this way.

I observed an attempt to make it appear that the increased vigilance and activity of a temperance man as City Marshal, had revealed all the increased number of cases of drunkenness. But he has nothing to do with those cases—they are reported and complained of by the police officers and the watch. He, by the way, is as much opposed to the late law as I am.

I put this note into your hands to make use of as you deem expedient. If you think proper to call on me to make such statements to the committee, viva voce, I am ready; but as I have three other legislative committees to wait upon at this time, I should rather be excused, if this may be received instead. I write as I should speak, under the responsibility of my oath. Yours very truly,

SAMUEL A. ELIOT.

To Franklin Dexter, Esq.

Jan. 31, 1839.—E. J. Baker, of Milton, Norfolk County. In this County no licenses have been granted by the County Commissioners, since 1835. The prohibition has increased the sale in many places. Previous to 1835, there were about ten licences in Milton, and the places generally well regulated. There are now six or eight places where spirits are sold. The better class get it at particular houses. Others get it in cellars and secret places, and at Irish houses. So long as licenses existed, the sale was confined to licensed places. The sale has increased, and drunkenness has increased, within the past year. Has not seen so much drunkenness for six years, as in the past year. The law was evaded, and the Sunday law had not been enforced. It was openly violated in many places. He called at a tavern the other day for whiskey punch, and was told he could have wine punch,—but the wine punch was made of whiskey.

The name of the taverner was demanded by the counsel for the remonstrants. The witness replied that he would give any information in his power, to aid the committee in these inquiries, but he could not disclose the names of persons, to subject them to prosecution.

After a discussion by the counsel on both sides, Mr. Senator Walcot, Chairman of the Committee, without taking a vote in the Committee, decided that the name must be given. Witness declined, and the Chairman refused to hear him any further.

Josiah Bradlee, of Boston, was called, and Mr. Hallett proposed that the form of oath be to make true answers to questions, which was the proper Parliamentary form. Mr. Lincoln, of Worcester, moved that the usual form of the judicial oath be administered, and the Committee so ordered.

Mr. Bradlee testified that he was an importer of spirituous liquor. Is a large dealer in brandy and gin, and imports and sells as much as he ever did. His general sales are probably larger than ever. The demand is beyond the supply in the market at present, particularly for brandy. People were very dry. A cargo of brandy was expected, and they were calling for the article earnestly. The whale ships from New-Bedford, do not carry out rum now. There could not be any considerable quantity taken out of New-Bedford in that way. If sent there, it must be consumed in some other way. He had for many years supplied orders for the whale ships. Formerly they carried out spirits, but now it was voluntarily discontinued, without any law requiring it. He had had only two orders for rum for whale ships, in seven years.

From his observation about the wharves, he believed there was as much spirituous liquor shipped to New Bedford now, as there ever was. Last week he saw seven pipes of brandy put on board a vessel for New Bedford. From all he saw, he was satisfied that there was no diminution in the quantity of spirits sent to New Bedford, but rather an increase. Saw six casks yesterday going on board a New Bedford packet, and the Captain said he had thirty barrels of spirits besides, then on board.

On cross examination. The shipment of spirits to New Bedford, is certainly greater than ever. More or less brandy, gin, rum, &c. are constantly along-side the New Bedford packets, in front of my store. Twenty years ago, orders were universal for ardent spirits, in fitting out ships. Now they are entirely out of use. My orders have discontinued entirely.

Ezra Weston, Jr. City Marshal of Boston.—Has the immediate superintendence of the police department. I should suppose that the law of 1838, could not be enforced in the present state of society. It would require, in order to enforce it to any extent, means entirely different from the ordinary mode of enforcing the laws. Cannot say what number of extra police, but it must be very large. A large portion of the disorder in the city arises from intemperance. In my opinion, this law will not diminish, but rather increase this evil. I do not think it will decrease, but be likely to increase, the number of places where liquors will be sold. The secresy of the places would be likely to increase vice. The secret places are much more injurious than open and licensed ones. These last are under the eye of the police. The former it would be difficult to reach. The present number of licensed places is four hundred. If no licenses were granted, there would no doubt be as many places open, and as many to sell without, as with licenses. Temperance would be better assisted by regulation than by prohibition, unless other means than can now be used, are resorted to. Have taken an interest personally in the subject of temperance. From my own observation am satisfied that places where ardent spirit is sold, are more frequented now than formerly. Know no other cause for this than the effect of restraint by law. My opinion is, that many drams are taken because those who drink them believe they are asserting a public and private right.

On cross examination. Most of the cases of intemperance that fall under the City police, come from low grog shops—places that are not licensed. But very few of the licensed places are low. Most of these low grog shops were licensed many years ago, but more care is now taken. As to the enforcement of the law in Boston, it would depend mainly on the sense of obligation the dealers and buyers might feel to observe it. The nature of the evidence is difficult for the police to get at, and the mode of doing it, if pressed, would be unusual. There are probably three hundred tenements in which the article is sold without license. Believe that at least half, say two hundred, of those now licensed, would continue to sell if this law is not repealed.

[Rev. Mr. Cobb, of Waltham, one of the agents of some of the Societies, employed to appear in behalf of the law, here proposed a very long and elaborate query as to the moral effect of a moral law, in producing moral influences favorable to the observance of the moral law; which the intelligent and very correct witness, said it was impossible for him to comprehend. The examination then proceeded.]

Question, by Mr. Upton, of the Committee. Which would do the most injury; a public respectable place, or one of the secret low ones? *Answer.* Decidedly the latter.

By the same. What would be the effect on public morals, if all the respectable dealers should be stopped by this law? *Answer.* It would have a very bad effect upon the morals of this city, to drive the business out of respectable hands, because it would go into bad ones, and be productive of much greater evil in the communitty. If this law went into general operation, such he believed would be the effect as to the respectable and intelligent dealers. If all licenses were denied, the sales would be as great, but not so public, and not so likely to be detected where the law is violated. Much the larger number of intemperates taken up in Boston, are foreigners, but residents of the city. Such persons would be most likely to find supplies, at unlicensed places, if all licenses were withdrawn.

George Penniman.—Is a clerk of the Granite Rail-Way Co., in Milton, six or seven miles from Boston. Formerly there was one house licensed there. The traffic is now carried on clandestinely, and there is more liquor used, than when it was sold openly. An Irishman runs a wagon to Boston, and the workmen send in and get supplies. They carry it home, and instead of drinking occasionally, as before, at the public houses, they drink more, privately. If I wanted liquor, I should send to Boston for it; but if I asked an Irishman to get it, and promised to ask no questions, he would bring it to me in two minutes. New rum sells at a dollar a gallon,—worth forty cents in Boston. Drinking has increased since this law, and there is more drunkenness than formerly in that place and the vicinity.

The Company do not allow liquor on the works. They consider it for their interest to exclude it. If the whole country were to adopt prohibition, it would work well, if it could be enforced.

In answer to questions by Mr. Upton. There is more used than there was when

there was a public licensed store. Thinks the reason is, because the laborers now keep it in their houses, and it is a shorter way to a man's chest or closet, than to a shop.

February 1, 1839.

Moses Williams of Boston, of the firm of J. D. & M. Williams, was offered as a witness to show the amount of sales made to counties in which all licenses have been denied.

Before taking the oath he wished to understand the views of the Committee as to one question that might be put to him. On Tuesday last, he had taken from the books of ten or twelve distillers and dealers in Boston, the amount of sales of spirits made the last year, and sent to neighboring Counties where there are no licences. He was one of those dealers, and they were all ready to testify to the correctness of the statement, respectively. He had supposed that the Committee, in obtaining statistical facts, would be satisfied with the oath of individuals who have made the sales, without requiring the names of their customers. From what occurred at the last meeting, it would appear that the names of the buyers would be required. He reserved the privilege, in his business transactions, of not publishing the names of his customers, without their consent, unless he was compelled to do so, and if the committee did not wish to receive his statement, under oath, with that qualification, he did not feel at liberty to make it voluntarily.

Mr. Stowell of New Bedford one of the Committee, objected to receiving any statement, unless the names of the persons it was sold to were given. If 79,000 gallons had been sent to Bristol County, he wanted to know who had got it, and what had been done with it. If he believed it had gone there, he should be in favor of the repeal of the law.

Mr. Blake of Boston, did not see the necessity of splitting legal hairs, in a general inquiry before a Committee of the Legislature. The names could not be material, and would give no additional information on which the Committee could act. The facts of the sale, and the conveyance to these Counties, were the prominent points of the inquiry.

Mr. Lincoln of Worcester, insisted on the names. The object of the inquiry would be, a cross examination, to test the truth of the statement of the witness, and follow it out in all its ramifications.

Mr. Brayton of Nantucket, would be willing to adopt the rule to ask no person to expose the name where it would subject the witness to a criminal prosecution!

The Chairman was of opinion that if the question was put it must be answered, and after a discussion by Messrs Sprague and Hallett, for and against, the Committee decided that the names must be given.

Mr. Hallett said he regretted the decision, as it obliged him to withdraw all further testimony on the part of the memorialists who would now attend the hearing as spectators.

The Chairman called on the opposite side to proceed, but not expecting to be heard at this sitting, they were not prepared, and the Committee adjourned.

At the next meeting Mr Dexter appeared with Mr. Hallett for the Memorials, and urged the reconsideration of the decision respecting the testimony, but the Chairman inflexibly adhered to it. It was sustained by a majority. Mr. Hallett then read and presented the following statement:—

PROTEST PRESENTED TO THE JOINT COMMITTEE OF THE LEGILSLATURE ON THEIR RULE EXCLUDING TESTIMONY.

The opening Counsel for the Memorial of Harrison Gray Otis and others, respectfully submits the following to the Joint Committee of the Legisalture, in behalf of the Committee of citizens who have petitioned for the repeal of the law of April 19, 1838.

The citizens who have appeared before the Joint Committee of the Legislature, with a view to aid their inquiries into the matter committed to them on the Memorial of Harrison Gray Otis and others, and the remonstrances against said Memorial—viz: whether the License Law of April 19, 1838, ought to be repealed; would respectfully present their protest against the rule adopted by the Committee relative to the examination of witnesses, which rule has unexpectedly put it out of their power to produce important and material evidence bearing upon the question of the inexpediency and impracticability of that law, as a prohibatory act against the sale of spirituous liquors.

The subject referred to the Committee of the Legislature, is one relating to a general law, and not a private act, and affects all the citizens of the Commonwealth.

The Memoralists, therefore, do not appear as parties to the issue, nor as representing a private interest—but voluntarily, in the exercise of a right common to all and secured to the people, viz. "to give iustructions to their representatives, and to request of the Legislative body, by way of address, petitions or remonstrances, redress of the wrongs done them" by the operation of the laws.

They also appear as petitioners, under the general right of the citizens, secured by the Constitution, to require of their law-givers an exact and constant observance of the fundamental principles of the Constitution, "in the formation of the laws *necessary* for the *good administration* of the Commonwealth." Believing this law to be wholly unnecessary, for that purpose, they ask for the revision of a law, which they believe the Legislature ought to revise under the provision that requires them to assemble frequently "for the redress of grievances, for correcting, strengthening and confirming the laws, and for making *new laws*, as the *common good* may require." They disclaim therefore, either the interest or the liabilities of a party to a suit or to a private petition.

The inquiry before the Joint Committee is, whether the law of April 19, 1838, is "*necessary* for the good administration of the Commonwealth," and whether the common good requires that law to be repealed, and a new law to be made.

To form a just opinion in a matter where the operation of an existing or proposed law on the common good is doubtful, and where the citizens are nearly equally divided as to the beneficial or injurious effects of such law, the Legislature must, to a great extent, rely on such facts as can be laid before them; not as judicial evidence, but as means, as far as they go, of enabling men of sound judgment to arrive at correct conclusions.

For this purpose alone, we conceive, can Legislative Committees investigate facts and receive testimony or statements from citizens in relation to a public law; because the Constitution forbids the Legislature from "ever exercising the Judicial power." They cannot, therefore, exercise the powers, and process, or be restricted to mere judicial forms of Courts of law, in receiving testimony; because the purpose is not to try or to punish, but to ascertain from the best means within their reach, whether an existing or proposed law is "necessary" and "for the common good." In the event

then of being unable to obtain all the facts that might be desirable to arrive at certain results beyond all possibility of doubt, would the Legislature entirely reject such information and such facts presented to them as might tend to aid in forming some opinion of the effect and operation of a law disapproved by a large portion of the people, as unnecessary, ineffectual and unjust?

An intelligent Committee could always discriminate as to the value and credibility of testimony; and if a witness should decline answering a question, on the ground that it might implicate himself or others, they could never be at a loss to determine how much it ought to deduct from the weight of his whole testimony. They may exercise a dispensing power, so as to get at substantial truth, without invading private relations of confidence.

The clear distinction between Judicial and Legislative testimony we conceive to be this—Judicial evidence *binds* those who are to act upon it. The juror is sworn to give his verdict according to the evidence, and therefore none but strictly judicial evidence should be admitted.

A Legislative committee of inquiry as to a public law, are not *sworn* to decide according to the testimony, nor are they bound to regard it at all as controlling their own judgment and convictions of right and expediency. The evidence is only another form of argument to enable them, as far as practicable, to arrive at correct conclusions, and they have full power to recommend to the Legislature to make or unmake a public law, without any evidence at all, or with such evidence as it was in their power to obtain.

A Judicial tribunal cannot act on matters of fact, unless they are judicially proved, nor can it excuse a witness from answering any question a party has a legal right to put. A Legislature may rightly act on mere suggestion, and may excuse witnesses from answering, on merely personal and confidential relations.

The question, then, is, whether a Legislative Committee on a public law, should exclude all but strictly legal and judicial testimony, and should the witnesses before them be bound to conform to strict judicial rules of evidence, or be entirely excluded?

Under the rule of Judicial evidence insisted on by the Committee, every witness is excluded who will not answer every question that might be put to him in a court of law. If the Committee have power thus to exclude testimony, on a technical objection, ought they not first to have the power to summon witnesses and to compel them to testify?

In the present case, they have no such power, either to summon, to compel attendance, or to enforce answers; nor can they give this power, by any process, to the memorialists. If, then, they cannot aid the memorialists in compelling the attendance and disclosures of witnesses at all, should they reject the testimony which is offered, as far as the memorialists can prevail on witnesses to testify; thus in effect, holding the citizens, who, in a matter of general interest, desire to aid the Committee in the "formation of the laws necessary for the good administration of the Commonwealth," responsible, as a party, for full disclosures from witnesses, whom neither they nor the Committee have any power to summon or compel to testify?

The Committee of the Legislature are not empowered to send for persons and papers. It is not in the power of the Memoralists to invest them with that authority. We have shown them what can be proved, and have used all the means in our power, to furnish the testimony. If the Committee reject this and take no means which they may have, if any, to procure the evidence, it necessarily excludes any evidence whatever being given on those points of the investigation, which would show that prohibition tends to increase demand; for by the rule, as adopted, the Committee

of the Legislature exclude all testimony, if, in a single particular, it does not conform to strict rules of judicial evidence. If the Committee desire to obtain the evidence, it is in their power to enforce it, not in ours.

The citizens who appear for the Memorial, have done all in their power to procure the particular evidence which has been excluded. At the commencement of the inquiry, the Chairman of the Committee was applied to by the Counsel for the Memorialists, for a process to summon witnesses. He declined, not having the power to summon. He was then requested to invite the voluntary attendance of such as should be named. This was also declined. Consequently the Counsel for the Memorialists could only invite, and could not require, the attendance of any citizen.

If the Committee of the Legislature have not the power to summon a witness before them, can they, if he voluntarily appear, exercise the powers of a Judicial tribunal over him, and compel him to remain in attendance, and to answer all questions put to him? It is presumed they cannot. Must, then, the refusal to answer a question that may tend to criminate others, and the answer to which the Committee has no power to enforce, necessarily exclude the witness as incompetent to testify at all? Must it go to his competency in fact, and not to his credibility?

To assume that those who have conducted the inquiry, on the part of the Memorialists, have the power to compel witnesses to appear, and answer all the proposed questions, and that, therefore, they are responsible for the withholding of names in private business, would be incorrect, and in fact unjust to them. The practical question is, we conceive, will the Legislative Committee receive such evidence as we can obtain, or will they reject the whole because we cannot get more.

The state of the case, as we understood it, at the close of the last hearing before the Committee, was this:—The law of 1838 proposes prohibition of the sale of ardent spirits under fifteen gallons, as a means to promote, not *temperance*, which implies a moderate use, but total abstinence from their use, as a beverage. The inquiry is, will such a law diminish the sale and consumption of the article, and promote the proposed end of the law. To aid in such an inquiry, statistical facts, as to the increased or diminished amount of importation into the State, and of the sales of the article in one part of the State, to be sent to other parts of the State, are highly important. The memorialists petition against the law of prohibition "because (in the language of the memorial,) it must fail of the professed object, and will not succeed in restraining appetite, which will be indulged by combinations and evasions, to a greater extent than without this ineffectual attempt at restraint."

They have shown, by the best possible testimony, that of the Mayor and Marshal of the city of Boston, that a law of regulation can be better enforced, to promote temperance, than a law of prohibition. They also show, from the Custom House returns, that the increase of imported ardent spirits in that city, the past year over the former, is 106,000 gallons, after deducting all exported; and that the whole amount imported and left for home consumption the last year, was 393,981 gallons. The increase is the more remarkable, as the pecuniary pressure of 1837 must have operated greatly to diminish the importations of 1838, in this as in other articles.

They next proposed to show that the sales, at the place of importation, have increased, as the pressure of the laws against it have increased; and that large and increased sales of foreign, and especially domestic spirits, have been made the last year, in this city, to be sent to the counties of Bristol, Nantucket, Plymouth, and Norfolk, in which the law of prohibition, by entire refusals to license, has in effect prevailed; and that those, who have made these sales, have found the demand increase since 1833,

especially the past year. The bearing of such facts is direct upon the expediency and practicability of the existing law, insomuch that one of your honorable Committee stated that if convinced they were so, it would operate on his mind to induce him to go for the repeal of the law.

The Counsel for the Memorialists, proposed to prove these statistics in the following manner:—The private books of ten manufacturers and four grocers in Boston, show, that they sold, of ardent spirits, from January 1, 1838, to January 26, 1839, to be sent to those Counties, on the orders of persons not engaged in exporting them, an aggregate of 79,643 gallons for Bristol County, 14,213 gallons for Nantucket, 30,543 for Plymouth, and 42,546 for Norfolk, Bristol and Plymouth: a total of 166,945 gallons, equal to 1518 puncheons, of 110 gallons each, averaging, by the census of 1830, at the rate of *four and a half quarts* of ardent spirits to every man, woman and child, in those counties.

This sale could be shown from a very few sources, the bulk of it being domestic spirits; and, it would obviously not include all that had gone in that direction from New York, Providence, and other sources. Does it not then raise a reasonable doubt as to the efficacy or possible enforcement of a law of prohibition?

This statistical information being highly important to enable the Legislature to judge, whether a law of prohibition, is not in its effects, a law to *promote*, rather than restrain intemperance; the question is also important how can it be got before that body. The remonstrants, by their Counsel, raised a technical objection on the cross examination, that the fact of the sale should not be given, unless the names of the purchasers were disclosed also. The witnesses, to verify these facts, had been sworn. They are beyond the most remote suggestion as to veracity, but they cannot be compelled to disclose the names of their customers, though ready to give every other fact in their power. The facts relate to their private business, and are contained in their books, over which the Legislature can have no control. Some of them are signers to the memorial, and some are not; but in neither case, has the Counsel or the Legislative Committee any power to compel them to disclose the names of their customers. They do not know, nor do they assume, that these customers have violated any law; but in the relation of merchant and purchaser, they say they hold it a point of honor, not to voluntarily disclose their private business, so as, indirectly to be made informers themselves, or to mark out individuals without their consent, for the espionage of either moral reformers or legal informers. The very material difference between *volunteering* such testimony, and giving it under compulsory process, to criminate others, is obvious to every honorable mind.

The Legislature has never exercised an inquisitorial power, to compel one class of citizens to testify so as to lead directly or indirectly to the prosecution of another class; especially in a case like this, where the only material facts wanted, as a matter of statistics, viz. the sale for, and sending to, certain places, can be fully substantiated, beyond a doubt, without this invasion of the private relations of business.

The Memorialists cannot obviate this difficulty. Those of them who have not the facts, cannot control those who have; nor can those, whether Memorialists or not, who have the facts in their possession, disclose the names of individuals, if, as honorable men, they feel bound not to do so to their probable injury, unless required by absolute necessity, or moral obligation, or due process of law, neither of which is applied in this case.

A Committee for legislative inquiry on matters of public concern, may exercise discretion and dispensation as to the form in which the evidence shall be received. It may be by statements not under oath, which is not

without precedent in this State. In the British Parliament, the great mass of statistical and other facts, collected by committees, in reference to general laws, is received as voluntary statements, witnesses not being sworn before such committees.

Disclosures that might effect the pecuniary and private interest of third persons, are frequently dispensed with by legislative committees of inquiry. In the exercise of full powers to examine the banks charged with a violation of charter, a Committee of this Legislature, in 1835, did not require the officers of the banks, under oath, to give the names of their customers, and the Sub-Committee appointed to inspect the books, made no disclosure of the names of persons on the discount sheet; regarding the confidential relation of the banks to third persons.

In the investigation of the United States Bank, by a committee of Congress, with full powers, in 1834; the Directors of the Bank, when summoned by a writ of *duces tecum*, before the Committee, refused to exhibit the names of Members of Congress, and others, to whom the bank had made discounts, or to state the contents of "the credit books of said bank, showing the indebtedness of individuals," alleging that, though ready to give all necessary information to show the pecuniary condition of the bank, they could not disclose the names of individual debtors, with *"a necessary regard to the rights of others."*

A majority of the Committee reported this refusal to the House, as a contempt, and moved for compulsory process; but the House did not sustain the motion. The report of the minority, presented to the House, by Hon. Edward Everett, and Hon. W. W. Ellsworth, justified the course pursued by the witnessess in the investigation, on the ground that "they had placed themselves where American citizens, conscious of their rights, should place themselves, under the protection of the laws."

This precedent is not cited as parallel to the present case, farther than it may rightly go in the estimation of the Joint Committee of the Legislature, who have deemed it their duty to require a similar disclosure by witnesses before them, of the names of individuals, not parties to the issue, nor present, whose pecuniary or other interests may be injuriously affected thereby. Of the refusal of the witnesses, summoned before the Committee of Congress, to disclose the names of their customers, the report of Messrs. Everett and Ellsworth says,—"the call related to concerns *involving the highest confidence of individuals*, and not to be divulged, except under legal compulsion, *without the grossest breach of faith.*"

Such is precisely the relation of the witnesses we have offered, to their customers; and the propriety of the exemption from a breach of confidence in business transactions, except under compulsory process, would seem to be much stronger in this case than in the one cited; because the Committee of the Legislature, who decline receiving any other testimony from the witnesses, unless they will voluntarily commit this breach of confidence, have not the original power of summoning a witness, or enforcing disclosures, and must rely on voluntary testimony alone, or reject all testimony, to aid them in reporting to the Legislature their opinion of the expediency or inexpediency of a law of prohibition.

The call for names was not made by the Committee to satisfy themselves of the fact of the alleged increased sale and transportation of liquors to particular places, the Chairman of the Committee having stated that it was not desired by them, but that the counsel for the remonstrants demanded, and were entitled to it, to enable them to trace the uses to which the article may have been put. The Remonstrants not being a party to the issue before the Legislature; and appearing merely as citizens to aid the Committee in forming a correct opinion to report to the Legislature, the abso-

lute right of such a demand on their part, not originally desired by the Committee for their own information, is not clearly perceived ; nor could it aid the investigation, should the names be given, because the Committee of the Legislature, having no power to summon the purchasers here, or to compel them to criminate themselves if here, could not proceed any farther with the names than without them, in tracing the precise uses to which the merchandise may have been put.

We have offered to show by the testimony of manufacturers and grocers, and their clerks, (the particulars of which are appended to this protest) the entry of sales in their books, with specific dates and amounts in every item ; the orders for specific places, and the actual forwarding of the article to persons known to be taverners and retailers in those counties, with the particular mode of transportation ; in a word, every fact connected with the transaction, except the names of individuals who might be injuriously affected thereby, in their private interests.

All these facts, except the names, might have been given, on the examination in chief, reserving the right, on the cross-examination, to withhold what could not be voluntarily disclosed, with "a necessary regard to the right, of others," and without "involving the highest confidence of individuals." But it was deemed more respectful to the Committee, and more honorable to the witnesses, frankly to state the extent to which, without compulsory process, they could testify. Such a course it is confidently believed, cannot, in the minds of the Committee, or of any honorable men, prejudice any cause.

At the last hearing before the Committee, the Counsel for the Memorialists desired delay for deliberation as to the course they would pursue under the rule adopted. It was also suggested, as a means of fully satisfying the Committee of the Legislature, that a Sub-Committee might have the inspection of the books without a public use of names, if this would aid in the developement of the facts. This, however, the Committee did not think proper to adopt.

The memorialists were accordingly, by the operation of this rule, deprived of the right of producing evidence of material facts, and therefore deemed it proper, as they could not not go on under the restrictions put upon the inquiry, to withdraw all further testimony or any right they might urge, to restrict whatever testimony the Committee may think proper to receive from the other side of the question ; respectfully protesting against the rule, and reserving the right at the end of the hearing on that side, to be heard by their closing Counsel.

In relation to the testimony to be offered by the Remonstrants, we would respectfully suggest, that should the evil effects of intemperance, or the beneficial operation of prohibitory laws, on pauperism, crime, morals or government, be presented as the basis of an argument or inference, why the Legislature should enact such laws against the sale of alcohol under fifteen gallons, would not the Committee, by the rule applied to us, reject such evidence, unless each fact is Judicially and fully proved, and the *names* of the individuals, on whom such alleged effects have been produced, disclosed, in order to enable those who doubt the application of the facts, to trace them in all their ramifications, and ascertain whether the results, or a portion of them, are not fairly attributable to some other evils and vices in society? The object of presenting this statement to the Committee, is to avoid any misapprehension in their minds, or with our fellow citizens, as to the position in which the Memorialists conceive they stand, in this stage of the enquiry.

Feb. 5, 1839. Read and presented to the Committee.

Sales of ardent spirits in 1838 *for Counties where no Licences were granted.*

Statement for the sales for Bristol County, from January 1, 1838 to January 26, 1839.

Population in 1830, 49,474.

	Gallons.	Gallons.
Barnard & Trull	10,748	
Josiah Stickney & Minot	27,825	
A. S. Holmes	907	
Foss & Gilmore	7,605 1-2	
A. H. Bowman	6,519	
Ezra Trull	1,733	
Luther Felton	1,886—57,223 1-2 by 7 Distillers.	
Wright Priest & Co.	10,204	
J. D. & M. Williams	3,578 1-2	
R. M. Morse & Co,	3,584	
Silas Pierce & Co.	3,367	
Littlehale & Co.	1,686—22,419 by 5 Grocers.	

Total 79,643, equal to 724 puncheons of 110 gallons each.

Sales for Nantucket during the same time. Population 7,203 in 1830.

	Gallons.	Gallons.
Wright, Priest & Co.	5,385	
Robinson & Wiggin	1,680	
Josiah Stickney & Minot	4,183	
H. D. Gray	2,964 1-2—14,213 1-2, equal to 129 puncheons of 110 gallons each.	

Sales for Plymouth County during same time. Population in 1830, 42,993.

Barnard & Trull	5,721	
David Barnard	6,000*	
Josiah Stickney & Minot	165	
A S. Holmes	3,150	
Gardner Brewer	1,783	
Foss & Gilmore	5,385	
Ezra Trull	1,768	
Smith & Morse	024	
Luther Felton	4,202	
John M. French	1,500—28,298 by 10 Distillers.	
R. M. Morse & Co.	1,558	
Merriam & Perry	1,287—2,845 by 2 Grocers.	

Total 31,143, equal to 283 puncheons of 110 gallons each.

Norfolk, Plymouth, and Bristol.

Ezra Trull	956	
Luther Felton	9,590	
A. & J. Felton, for Bristol, Norfolk and Plymouth.	32,000—42,546.	
	Total 167,545 gallons.	

Before the foregoing protest was presented, the following proceeings occurred :—

Objections to the rule of the Committee, excluding evidence against the Law.

At the meeting of the Committee, on Tuesday afternoon, February 5, the Chairman, Mr. Walcot, stated that the Committee had met to hear the counsel for the memorial of Jonathan Philips, and others, against the repeal of the law.

Franklinn Dexter, Esq., Counsel for the Memorial of Harrison Gray Otis, and others, rose and said that he was not present at the last hearing, when the testimony on the part of the memorialists, touching the increased sales in several counties where prohibition had been adopted, was excluded by the course of the proceedings, and as he wished precisely to understand the grounds of the objection, he would state to the Committee that the witnesses who had been called, were prepared to show that the spirit sent by them to those counties the past year, went there for consumption as a

*Say 4400. [Corrected by Mr. B.]

beverage, the sales having been made to taverns and retailers. They were prepared to state the particulars so fully, reserving only the names of purchasers, as to place the matter beyond all possible doubt of the only material fact, viz: the sale for consumption, and no other purpose, and he submitted to the Committee whether the memorialists should be permitted to offer this

Mr. Walcot, the Chairman, said that the Committee had agreed on the form of oath, which was, to tell the whole truth, and it was for the witnesses to say whether they would take the oath. It was not suggested at the former hearing, that the occupations of the purchasers would be given, to prove the destination of the liquor. This, however, would not relieve the witness, on the cross-examination, from answering a call to disclose the names of the purchasers.

Mr. Dexter.—I think it is fair that the witnesses should have the opinion of the Committee, as well as of the Chairman, on the suggestion now made. I shall advise them to take the oath, reserving the right to withhold names, should they be called for. We will offer a witness to test the question, whether the Committee will receive his testimony and excuse him from answering a call for names.

The Chairman.—That question was raised by the Counsel for the Memorialists at the last sitting, and was settled by the Committee.

Mr. Dexter.—Then I understand the rule is to be enforced, that the witnesses shall not be permitted to give evidence of the sale and destination, and use, unless they will give the names of purchasers.

The Chairman.—That is not the decision. It was that the witnesses could not be excused from giving the names, if required on cross-examination.

Mr. Dexter.—I now propose that the witnesses be called to state that these sales were made to taverners and retailers, and submit to the Committee whether this testimony is not conclusive to establish the fact, without requiring the names.

Mr. Sprague, (Counsel for Remonstrants)—The Committee have decided this question, as the gentleman must well know, and on broad principles, which no tribunal on earth, that wishes to get truth, can depart from. They now offer to show the article was sent to retailers and taverners, but how can we know that they are such, unless their names are given? We know not what witnesses may state, unless we can require a disclosure of all the facts, to have an opportunity to disprove them. The witnesses may state that they are taverners and retailers, when they are not so.

Mr. Dexter.—I have but one remark to make on that intimation, and that is, I do not believe that when the witnesses we call, stand up here and state the facts on their oath, an individual in the community will doubt their testimony, except the opposite counsel.

The Chairman.—The Committee have no power to summon witnesses before them. They have agreed upon the form of oath to be administered, and unless the witness will take the oath and come under the rule, he cannot be examined. If any one of the Committee wishes a reconsideration, the rule can be reconsidered.

Mr. Dexter.—That is not what is asked of the Committee. I ask for a direct decision from the Committee itself, whether the witness cannot be admitted to be examined, he reserving his right to the limitation as to giving the names of individuals.

The Chairman.—The Committee have decided that question, and it cannot be again presented, but upon reconsideration.

Mr. Dexter.—I am sensible that any farther remarks from me would be useless. It is then the determination to exclude the testimony.

Mr. Lincoln understood the rule to be to admit and not to exclude testimony. They were not called on to make an absolute rule. If a witness was willing to testify, he should tell the whole truth.

The Chairman called for the hearing of the Remonstrance of Jonathan Phillips and others, and asked—Has the other side any further facts to offer?

Mr. Dexter.—I mean to be understood; and to bring the matter to an issue, I will offer a witness, and advise him to take oath, and not give the names of individuals.

The Chairman.—If there are any witnesses, we are ready to hear them.

Mr. Moses Williams presented himself, and stated that he had taken the oath before the rule laid down by the Committee, requiring the names of customers, had been adopted. He had supposed that the Committee would be desirous of receiving such information as might be properly communicated. He held in his hand an extract from his books, which showed each item and date, and the individual to whom it went, taken off by himself, and checked by his clerk to-day. He had sent it on orders of four persons and he was willing to state the occupation and every particular, but the name.

Mr. Dexter.—I now ask if the Committee will permit the examination to be made, if the witness reserves his right not to answer as to the names?

Mr. Lincoln.—He is sworn, and he may proceed to testify.

Mr. Dexter.—Then we will proceed to examine him.

Mr. Upton, of Nantucket.—It is the same thing over again. The Committee have once decided, and this is trifling with the Committee.

Mr. Sprague, (Counsel for Remonstrants.)—If a witness comes before a tribunal and refuses to answer any question put, it is a contempt, and if the Committee let this witness go on, it is in contempt of them.

The Chairman.—This is the third time this matter has been brought up, and on three several days, and the Committee have not reversed the first decision of the Chair. The witness is sworn to tell the whole truth, and he must either answer all or none.

Mr. Dexter.—I still do not get the deliberate decision of the Committee, but only that of the Chairman which preoccupied the ground. To get at that question, I will offer a witness who has not been sworn.

The Chairman.—The question is for each witness to answer to his own conscience, whether he will take the oath to tell the whole truth and keep back a part. He must answer as he thinks proper.

Mr. Lincoln.—There is no question before the Committee. The question is for the counsel and not for us. I would not say this is trespassing on our patience, but unless they can bring witnesses who will conform to the rule, I see no use in their being presented at all. If the Counsel wishes to put a witness before us who will refuse to answer, that is for him to decide. It is not now the question how the committee will vindicate its honor, if he refuses to answer. If a witness presents himself and takes the whole oath, he must answer the whole questions.

Mr. Dexter.—I have now accomplished all I wished. I have presented this testimony in two forms, putting it distinctly in the power of the Committee to obtain it, if they wish to be informed on the particular facts bearing upon the question before them. I am now given to understand, though indirectly, that if a witness does not answer a question which he feels bound in honor not to answer, and which is not essential to establish the fact, he will be held in contempt. As I do not choose to subject any witness to be sent to jail, should the Committee suppose they have that power, I must here leave the evidence, regretting that this very important source of information should thus be cut off.

[Mr. Hallett, then presented and read the Protest against this rule.

Tuesday, February 5th.

Nathan Crosby, Esq. opened the objections to the repeal of the Act, on the part of the Remonstrance of Jonathan Philips and others, and occupied that day's sitting. He closed his remarks on the 6th, and was followed by John A. Bolles, Esq., who also opened on the same side of the question. Mr. Bolles spoke five hours, and finished on the 8th of February. [The Committee have no full report of these speeches, and as a sketch of them might do injustice to the parties, they prefer to leave their publication to the friends of the Law, designing on their part to present their own side of the question, and the evidence on both sides, fully and fairly, and not to prejudice the other side by attempting what may be considered a partial representation.]

TESTIMONY FOR THE REMONSTRANCE.

February 9th. The Remonstrants offered their testimony, and began with Joseph Kingsbury of Amesbury. He stated that he had resided in Amesbury and Salisbury village fifteen years. When he first resided there, every grocer retailed ardent spirits—almost every man in the place drank it—and there was much drunkenness in the village. When afterwards license were witheld, the grocers, with two or three exceptions, continued the traffic as before. Prosecutions were then commenced—a number of persons were convicted, and a stop was thus put to violations of the law. At this time Temperance lectures were delivered, showing the immorality of the trafic—and the retailers made a proposition to the Temperance society, that if the society would take their ardent spirits off their hands, they would purchase no further supply. This was done, and the effect had been most beneficial—the consumption has been reduced at least seven eighths—and drunkenness was seldom witnessed in that village.

Being asked how much was owing to moral suasion in his town; he said we had a temperance lecture and the force of it was so strong the dealers came forward and said, if the temperance society would take the liquors off their hands they would not sell, and we did so. [It did not appear what the society did with the liquor so purchased.] Should Parker, who kept the tavern, gave up the sale voluntarily—witness does not know of any place where it was now sold in Amesbury.

[Two Merchants of Boston were present in the hall, who stated to some of the Memorialists that they had sold spirits to go to Amesbury within a few days, and had constant customers there. Testimony of this kind, had, however, been excluded by the ruling of the Committee, unless names were given to lead to prosecutions.]

Friday, February 10.

Rev. Mr. Perry of Bradford, Essex County, called for the Remonstrants. For four years past, Licenses of Shops had been withheld in Essex County, and Tavern Licenses had decreased. The general impression of the temperate men was, that it had been beneficial. Some of the stores had continued to sell after 1834, but for three years very little ardent spirits had been sold, as he supposed, unless covertly. Wines were sold as usual. Comparing the four years past to the four preceeding, he should think the sales of liquors one third less. He had been over the County as a temperance agent, his parish having relinquished his services for that purpose. He supposed there might be some places where it was now freely sold, particularly the taverns. What he had said of Bradford he thought might be generally true of the County, except some few towns. There was a floating population, who if they could not get ardent spirits in one town, would move to another. There had been no change in the use of spirits since the law of 1838, to make it a subject of remark. So far as regarded the poor, there had been no essential change in Bradford the past eight years.

Cross-examined. Moral means had been used to a great extent. He had preached to his congregation that it was immoral to sell or use it. Being asked if his parish had taken a deep interest in the moral cause of temperance! he did not think they had, which he qualified by saying, as much as he wished. But admitted they paid his salary and supplied his pulpit to allow him to act as a temperance agent. He had no means of knowing whether it was sold in Bradford. He did not go into back places, or visit taverns, and did not suppose that they would show him the places, if there were any, it was sold in covertly. They sent into other places and got fifteen gallons at a time, if they wanted it. One person, Merrill, had been prosecuted within two or three years. Before that, two-thirds of the prosecutions had been got up by the drinkers. The temperance society had never prosecuted. He had always dissuaded them from it. On being pressed, he says the society rely more on moral means than law to advance the temperance reform. Thinks that a strong minority might present obstacles to enforcing the law, but he wanted law to aid the temperance cause. It was no security for one town, if it was sold in another.

Samuel Wells, of Northampton, is clerk of the Court. The County Commissioners of Hampshire had withheld licenses from shops for three years. They licensed taverns. Should think the consumption had diminished. In 1827, 35,000 gallons were sold aunually in the County. In 1831 it was reduced to 5000 gallons, and had probably decreased since.—He could not state the amount. It had been gradually decreasing. The tavern licenses in the County had diminished 100 in twenty years. Thinks there were about 40 retail shops when licenses were withheld. The criminal prosecutions before him were from 25 to 40 a year, and nine-tenths were owing to intemperance. The decrease of consumption, within six years, he should think was one third. Six distilleries had been discontin ued, and he did not know of but one in the County.

Cross-Examined. How much of what you have stated as to the amount sold or consumed, do you personally know to be true?

On my own personal knowledge?

Yes. Not what you guess, but what you know. State on your oath.

I say on my oath I know nothing about it.

Did you not undertake to give, on your oath, the precise amount of sales in 1827 and in 1831?

That was from others. I was so informed.

By whom?

By an agent of the temperance society, who went through the County, and collected the facts.

Do you give that as evidence?

I stated what I supposed was the fact.

Being further questioned, he says that the distilleries were discontinued voluntarily. Two in Granby were grain distilleries, the others were cider stills. Great moral efforts had been used—preaching, pledges, tracts, lecturers to go through the County, &c. There were seven or eight licensed taverns in Northampton. Drunkenness had diminished. He would not say that forty inhabitants of Northampton were tried for crimes annually. Being asked if it was possible that in the moral community of Northampton, 36 of its inhabitants annually committed crimes from drunkenness, witness admits that some are foreigners, perhaps ten or twelve. Being asked if these cases had increased or diminished the last year, he says that there were forty the last year, which is the highest number he remembers. Before the recent law, there was no excitement against the temperance movements. There had been a great deal of excitement under the law, among the sellers and drinkers.

Were no others opposed to the law? No, but some thought it impolitic.

Were those who thought the law impolitic in favor of it? No.

Then were they not opposed to it? Yes, but it was on account of its injuring the party.

Which party? Both parties.

Did these persons think it impolitic because it would injure both parties? Witness did not answer, and the inquiry was dropped.

By *Mr. Crosby*. Did you ever know the distillers and dealers to exert a moral influence in dissuading their customers from drinking? No.

By *Mr. Hallett*. Did you ever know a temperance *agent* to dissuade temperance societies from employing and paying him in his occupation?

Witness. If it is a proper question I will answer it.

The Chairman. The pertinency of the question is not perceived.

Mr. Hallett. I merely asked it to answer the question put on the other side. It seems equally pertinent.

Mr. Crosby. I asked the question because the gentlemen distillers and dealers in this memorial, claim to be the friends of temperance.

Mr. Hallett. And I asked the question because the gentlemen temperance *agents* in this remonstance claim to be purely disinterested.

Col. Minot Thayer of Braintree, gave an interresting statement of the progress of temperance in that town, which he attributed partly to moral influence, and partly to the law. He could only state what had been told to him. Has not seen a person intoxicated in the town for two years. Formerly, a farmer gave his workmen a gallon a day. Now gave none. They have but three male paupers in the town. Related a melancholy accident, some years ago, of an outrage upon a dwelling, and its sick owner being killed by a stone, thrown by a drunken party of young men. The town of Braintree was a highly moral town, and he believed was so when they sold rum, but had improved. He employed two laborers, formerly intemperate, who begged him to support the law. He did not know that the Weymouth packet sold rum there last winter. In answer to a question from Mr. Buckingham, he said they sold wine there, but he did not cal

wine spirits. If, said he, I came into your store and asked for spirits you would not give me wine. Mr. B. replied that he would get neither in his store, for he kept none.

Col. T. believed that the people in his town were united in support of the law. Being asked if there was not some opposition to it, he thought there was, but none of any consequence, though it might have something to do with the election. Before the law, temperance was going on well there, and he did not think it less so since. Being asked what his majority was in the town, he said it was so large he could not remember.

[It was afterwards understood that the Col's. majority was only four! against an opponent o f the Law.]

Sherman Leland, Judge of Probate, of Roxbury, Norfolk County, was called, and went into an argument and narrative.

He described the process of subduing the dealers in that place, commenced about two years ago. The Temperance Society appointed a committee to prosecute. They warned the dealers,who,nevertheless,continued to sell, then they were prosecuted. There was great excitement. The dealers agreed to stop, but began again, and were again prosecuted. Excitement ran high, and a town meeting was called. The state of feeling was such, the agents of the Society thought it prudent to suspend operations. They let them go on, till the fines amounted to four or five hundred dollars in each case, and then took them into Court. Some plead guilty, and some were convicted. The dealers agreed to compromise, and were let off on paying $100 each, and the remainder of the fines was kept hanging over them for their good behavior. Most of the principal dealers in large and respectable taverns were broken up, and by this process, in eighteen months, the principal dealers were entirely subdued. When the elections of County Commissioners came on, the prosecution relaxed, and the trade began again. There was always an increase of drinking in the excitement of an election, when they hoped to bring about a change. The Commissioners opposed to licensing had a majority of 62 in Roxbury. Six prosecutions were then commenced, and the trade appears now to be essentially broken up. Should think very little was sold in the town now. Some moral means were used, but the law was put in force stifly, and order and quiet were restored. He did not see as many red faces congregated together, as he used to. However under the name of wine, they still get spirits. One or two grocers also sell liquors. It was not possible to prohibit spirits where wine is allowed to be sold. The way to convict the dealers was to take them before they could see their customers, and they would generally plead guilty. If you bring them up before Court,nine out of ten of their customers would swear to what was not true. The great difficulty of enforcing the law was the timidity of its friends. They were afraid to prosecute. He had no doubt that rum was sold in some of the towns, and that what a witness (Mr. Baker) had said of Milton was true. The dealers there had not been subdued, especially at the Railway House. You could not subdue them with $20 fines but must get an accumulation of fines. It had increased the costs against the Commonwealth, but it was the best course. He supposed he knew about how it stood in all the towns in Norfolk County. Roxbury he had described.—Brookline,no sale. Dorchester, some in the South Parish. Milton, pretty free. Quincy, a free trade. Braintree and Weymouth, none. Cohasset, a little, Randolph, a little. Canton, too much. Foxborough, an example for any town. Wrentham, Walpole, and Franklin, none. Dedham, a little. Bellingham, considerable. When you produce an excitement by attempting to enforce a law, they will drink more, until they are subdued. You may carry temperance to a certain point, and then you want the law. As to Boston, he

thought it would be very difficult to enforce the law there. It would require very vigorous measures. If the friends of the law would combine, in every Ward, and prosecute every offender, as they had done in Norfolk, til the fines run up to a large sum, he thought they might be subdued in time. If it was left to the city authorities, it would never be done.

Cross examined.—He was employed by the Temperance Society in these prosecutions, and paid for it. He thought it best to have the relation of of counsel to clients in looking up the prosecutions. The proocedings he had related took place under the old law.—The new law had not been applied. There was some opposition to it, and they could not elect their representatives. Had to compromise with three for the law and two against it. This was in consequence of the administration party, on the third day bringing up temperance candidates. He corrected himself, and did not mean to say that no temperance men were opposed to the law. There was perhaps more opposition than there had been before this law, but he thought it could be subdued. As to how far religion could be carried, without law, he could not undertake to say. He would not advise to bring in law to enforce it beyond a certain point. What the effect would be on the whole Commonwealth, if the same excitement was kept up for eighteen months, throughout the State as in Roxbury, to subdue the dealers, others must judge, but it would not operate in the small towns, where public sentiment was well settled. Undoubtedly the prosecutions, if the parties stood trial, would lead to a great deal of perjury. He should not rely on the customers if he could help it. Being asked what opinion he had recently expressed concerning the new law, he said, he doubted if it was not premature, and he would modify it, if left to him, so as to regulate the sale of a gallon and upwards, and leave the Counties to decide as to a less quantity He had seen the Rhode Island law just passed, and approved it, and thought our law would be more efficacious if so modified. In fact, said he, you never can make the people tranquil under any law unless you include wine in the prohibition.

Tuesday, February 12.

DR. ABEL L PIERSON of Salem, was sworn, to show the physical evils of intemperance. [The Memorialists had in no way called this in question, but the Committee deemed it necessary to have it proved.]

Dr. Pierson stated that he had been in medical practice twenty-two years. In answer to the inquiry what is the effect of alcohol on the human system? he replied—That he had practiced among the *poor*, when young, and *they* generally use ardent spirits. A great deal of intoxicating liquor is drank which contains other properties than alcohol. Distillation in copper, causes copper precipitate. He believed that common rum and gin contained other qualities besides alcohol. There was, perhaps, as little of deleterious qualities in New-England rum, as in any spirit. The immediate effect of alcohol on the stomach was inflamation. If its effect be very great, it would extinguish life at a blow. It operates on the blood like electricity. Ascends to the brain and quickens the motion of the heart, making a man "live too fast," as the saying is. It is absorbed by the veins. The heart, under its influences, beats 110,000 times a day. It should never beat but 100,000 times. Apoplexy is caused by the heart driving the blood into the brain, and producing congestion.

The remote effects are, that the stomach becomes habituated to the stimulus, and requires it. Induration is produced, and finally ulceration. A great quantity can be borne, and a person may use it to excess, and retain tolerable health. It is a poison, but a very slow poison, and may be used in proper quantities with impunity. Men may use poison without serious injury. Dropsy is a common case in drunkards.

As to the effect on the senses. Insanity and intemperance act on each other. Intemperance affects the hearing. Perhaps you (to Mr. Crosby) may not have experienced the effect, but it produces a sensation, like water wheels turning. It affects the sight, so that a man may see double. Has a tendency to prevent cure of diseases, and to aggravate them. The only way to guard men against it, is to *protect them from themselves.* When a man is found frozen to death, there is always an empty bottle by his side. Have seen many diseases that he traced to the use of alcohol.

As to its medicinal qualities—To a healthy man he should say, avoid all intoxicating drinks; but if out of health, it may be useful as a medicine. In this country, the article was much less adulterated than in Europe. Here it was honest alcohol. In Europe, it is drugged to increase stimulus. Reads from the Domestic Chemist as to drugs in English ardents. It was a mistake that ardent stimulus aided labor, or relieved fatigue. It causes a man to do more for a brief period, but at the expense of his constitution. Alcohol was beneficial as medicine, but a person in health should avoid all intoxicating liquors.

Cross-examined by Mr. Hallett. Were not the physical effects of luxury and gluttony in eating highly deleterious? *Ans.* Unquestionably they were, and often led to aggravated diseases.

Ques. Can men be morally persuaded not to eat to excess? *Ans.* Not in all cases.

Ques. Would you recommend a law that should enforce such a diet as physicians would prescribe to be safe and healthy? *Ans.* Such a law would be perfectly proper in many cases. If a shell fish should be found in great abundance on our shores, of a delicious flavor, but which produced a poisonous effect on the system, prostrating the body and mind, and producing disease, misery and death—and the people were so infatuated that they would not be *persuaded* to forego partaking of this poisonous food, he thought it would not only be proper, but the duty of the Legislature, to pass penal acts to restrain persons from destroying in this way, themselves and their families.

Ques. You think then, the people are not to be trusted with the regulation of their own appetite for food as well as for drink; but would you in the case supposed, have a law that the rich might use fifteen bushels of the shell fish, but the poor not have a less quantity, if they could buy it? *Ans.* He would prohibit it altogether. Whatever was clearly proved to be injurious, he would prohibit by legislation!

Ques. Would it be physically possible for a man to live till seventy or eighty, in the habitual, constant use of such a poison as you describe alcohol to be? *Ans.* I have stated that it is a slow poison, and that a man might accustom himself to the use of positive poison.

Ques. But Doctor, how is it that the medical faculty never discovered the physical effects you have described, until recently? *Ans.* He could assign no reason, if they had not, unless it was that modern medical science had progressed farther.

Ques. In dissections, would not the indications of poison in the stomach appear in the subject who died from poison. *Ans.* Undoubtedly. The presence of such an agent would be indicated.

Ques. Has not medical science for the last thirty years, been competent to detect poison in the stomach? *Ans.* It has.

Ques. Will you then, explain why the most celebrated anatomical professors never detected the poison of ardent spirits in the stomach, till within a dozen years? *Ans.* He could not, if such were the fact, but he presumed it had been detected.

Ques. Can you name any case in which the medical faculty, previous to 1827, discovered in their dissections the evidences of poison you have described, arising from alcohol? *Ans.* He could not; their attention was not called to it.

Ques. Then does not the preconceived desire to find these results, aid in their discovery? *Ans.* He was not aware that it did, but he presumed that anatomists had made the discovery long ago, though it had not been minutely developed.

Ques. Was not, in fact, Dr. Rush of Philadelphia, the first physician who represented the moderate, habitual use of ardent spirits as unnecessary and injurious? *Ans.* No; he considered Hypocrates as the first discoverer of the fact. It was as old as medicine.

Ques. Can you refer to any authority to establish that assertion. *Ans.* He was not prepared to, on the instant.

Ques. Were you acquainted with Dr. Hollyoke, of Salem? *Ans.* I was, and well knew his habits.

Ques. How long did he live, and did he not habitually use ardent spirits temperately? *Ans.* He used ardent spirits in small quantities habitually, a table spoonfull at a time, diluted with water, and sometimes with cider. He also used tobacco habitually. He lived to be over 100 years, but let it be remembered that Dr. Hollyoke did not die of old age! On a post mortem examination it appeared that the heart was in a healthy state, and might, from all which its appearance indicated, have beat another hundred years. But the immediate cause of his death was an affection, perhaps the only one, which might have been induced by a moderate, but habitual use of ardent spirits—a cancer in his stomach. He then described the schirrus stomach, which he said was attributable to the effects of alcohol*.

Ques. Are not the same indications found in the stomach, as the effects of tight lacing? *Ans.* He did not consider lacing as decidedly injurious to the system.

Ques. Are not tea and coffee injurious to the system? Witness believed they were, and objected to their use as a beverage.

By Mr. Stowell, one of the committee. How much longer might Dr. Hollyoke have lived, if he had not used ardent spirits? *Ans.* That is a difficult question to answer.

Dr. Pierson thought that alcohol, although useful as a medicine, in some cases—could be excluded from the materia medica, if the good of the community required it.

Dr. Walter Channing of Boston, called to the same point. He said that Dr. Pierson had left very little for him to say. Dr. C. then made an earnest address to the Committee in behalf of temperance. Related the cases of four distillers: one of whom never drank any, and described the effects of alcohol upon the stomach.. Read extracts from Sir John Ross' Journal of his voyage to the north pole, stating that he brought home all the rum he carried, having persuaded the sailors that they could stand the cold best without its use. They abandoned its use voluntarily, without compulsion.

On the cross examination Dr. C. was asked whether, on the whole, the habitual use of ardent spirits shortened life in a community? He believed it did.

Question by Mr. Hallett. What was the comparative use of alcohol

*Note. Dr. Bowditch died of the same disease. Is his memory to be aspersed by intemperate zeal? His biographer, Rev. Mr. Young, says: "The disease of which Dr. Bowditch died, was found by a post morten examination to be a *schirrus in the stomach* a disease of the same type with that which caused the death of Napoleon."

now, and during the period of the Revolution? He could not tell precisely, but presumed it was greater in the former period than now.

Question by the same. What was the comparative state of longevity then and now? He could not tell.

Q. Was not the average life of man in the former period longer than it is now?

Ans. Perhaps it might have been. He had no data to make a comparison.

Q. But do people generally live to as great an age now as the generations of men, sixty or seventy years ago?

Ans. Others could judge as well as he could of that.

Mr. Hallett then gave a list of the ages of the signers of the Declaration of Independence, and inquired if an equal longevity could be calculated on the present race of men? The Dr. was not prepared to answer the question fully, but thought probably not. Could not say positively. He thought the men of the Revolution had something more important to think of than ardent spirits.

Q. Was not the ages of the surviving soldiers of the Revolution, the pensioners, much greater, relatively, than could be calculated on the lives of men of the present day, under the temperance reform?

Ans. Could not answer positively. He was aware that the Revolutionary pensioners had generally survived to a great age, but he did not attribute it to the use of ardent spirits.

Mr. H. Neither do I. That is not the inquiry, but how you can philosophically reconcile their great age, and known habits of constantly drinking spirits, with the theory that the habitual use of spirits shortens life, and total abstinence lengthens it?

Dr. C., was not aware that they drank spirits to excess.

Mr. H. That is not to the point Doctor. We are on the effects of habitual use upon life, compared with total abstinence. Is it not notorious that the men of the Revolution used ardents constantly in the army, and regarded them as a necessary of life?

Dr. C. It might have been so, but he was not aware of it, and did not fully comprehend the object of the inquiry.

Mr. H. Did you never read in Sparks's Lives, that in a severe battle General Putnam, who was almost perforated with bullets, complained most of all, that a shot had passed through his canteen and spilt all his rum, which he regretted more than the loss of blood?

Dr. C. That fact had never fallen under his observation. He was desirous of fully answering every enquiry which he could comprehend.

Mr. H. The object of the inquiry then is this—to arrive at the fact whether luxury, idleness and effeminacy in the present race of men have not tended to shorten life much more than the use of ardent spirits did in the men of the Revolution?

Dr. C. The causes named undoubtedly had that tendency, but he could make no comparison between the two supposed cases.

Mr. H. But if you justify this law, because intemperance affects life and health, would you not then restrain luxury and high living, by force laws, as well as the sale and use of ardent spirits?

Dr. C. That was a matter for the wisdom of the Legislature.

Mr. H. Is not the practice of tight lacing and slight dressing among females, a great source of consumption and other diseases, and the shortening of life?

Dr. C., did not perceive the bearing of the question. Undoubtedly such was the fact, however.

Mr. H. Then why not restrain these practices in females, by law, in

order to save them from themselves, as Dr. Peirson said must be done with men, in regard to alcohol?

Dr. Channing. Gentlemen—I have no wish to press this law. I do not give any opinion upon it. I have only spoken of the evils of intemperance, and these I know to be so great it is impossible to exagerate them. You sir, (to Mr. H.,) know them, and have often described them better than I can.

Mr. H. We do not differ materially, Dr. Channing, as to the *evil*, but the question now is the *remedy*. The effect of this *law*, not the effects of *alcohol*.

Mr. H. Does the habitual use of alcohol create a powerful thirst for the liquid that contains it?

Dr. C Undoubtedly.

Mr. H. Is it stronger than the natural thirst?

Dr. C. Unquestionably it is.

Mr. H. Which is the strongest appetite in man, hunger or thirst—and which is the most excruciating and will soonest terminate life?

Dr. C. Thirst, undoubtedly.

Mr. H. Then if hunger will break through a stone wall, what will thirst for ardent spirits do?

Dr. C. Of that you must judge.

Mr. H. Which would most promote thirst, a vegetable or a meat diet?

Dr. C. A meat diet.

Mr. H. Then would it not promote temperance to enjoin by law a vegetable diet under the Graham reform, in order to diminish thirst?

Dr. C. It is not my province to decide.

Mr. H. Is alcohol in wine the same as alcohol in ardent spirits?

Dr. C. That is a question not fully settled.

Mr. H. From your intercourse with those who are sometimes called the higher classes, what effect do you find this law has in restraining their appetites?

Ans. It was impossible for him to say. Some thought it would have a good effect. He gave no opinion as to the law?

Mr. H. Is there not a disease in medicine known as mental extravagance; the effects of strong representations upon the imagination, called, in the medical books, *morbid afflatus?*

Dr. C. Such diseases were laid down in medical books. He did not perceive the bearing.

Mr. H. May not this mental disease in temperance societies, be the origin of this very law, rather than a sober desire to do good?

The Chairman did not perceive that this question required answer.

Mr. H. Doctor, will you please state, as a medical man, what would be the tendency on the *imagination*, in contemplating a *single subject* as the *source of all evil*, and collecting and dwelling on extravagant pictures of those evils.

Dr. C. It was not a subject on which he had reflected much. He was not now prepared to give an opinion, if it were required of him.

Mr. H. Is it not laid down in your books that the effect would be to produce a *monomania;* that is a *false* reasoning on *one* subject which may completely overcome the operation of the judgment in that particular, though sound in others?

Dr. C. Had not seen it so stated. It might be so.

Mr. H. Are not Doctors Irvin, Cutter, and Good, acknowledged medical authorities?

Dr. C. Unquestionably.

Mr. H. They so state the case very distinctly. My object in the inquiry is to apply it to the monomania that has got up this law. Mr. H. apologized to Dr. C. for detaining him so long, and thanked him for his candor and patience in the examination, and the Committee adjourned.

Wednesday, Feb. 13.

Dr. Ebenezer Alden of Randolph, was called to the same point. He stated that he was present at the examination of Drs. Pierson and Channing, yesterday afternoon, and concurred in the general views expressed by those gentlemen in relation to the effects of alcohol on the system. He said there appeared to be an hereditary predisposition in some individuals to intemperance—and that the children of intemperate parents, whether from this cause or the force of example, frequently became intemperate themselves. It was often the case that if a person should nearly succeed in overcoming a habit of intemperance, the sight of a dram-shop and exhibition of the decanters, would cause a renewal of the habit. He believed that the use of ardent spirits as a drink, was always pernicious—and had been the cause of much loss of life throughout the country. It was rightly called a poison *because* it intoxicates. It is a diffusable stimulus, and is never necessary in health.

He said that in an address delivered in 1789 or 1790, by Dr. Benjamin Rush, before a meeting of clergymen, he said that ministers should preach not against the abuse, but against the use of ardent spirit—it being never necessary to health—and in cases of illness, it had better be applied externally than internally.

Dr. A. stated that licenses had been withheld in Randolph about four years—and since that time the diminution in the consumption of ardent spirit was very great indeed in his view. There were, previous to that time, eleven licensed retailers and three taverns—the population being 3300. Now there is only one tavern. There were formerly many cases of *delirium tremens*—but now that disease is seldom met with there. The amount of drunkenness is much less than it was a few years ago. He thought that restriction was an important means in bringing about this result. There was a great visible change in the external appearance of the place. Rum was still used in the town, but chiefly by foreigners, and in comparatively small quantities. We have a class of persons who use it and will use it secretly. But it is difficult to conceal it. Rum will out, although those who drink it *will lie!*

Cross-examined, by Mr. H. What are your means of knowing the diminution of the use of spirits in Randolph? *Ans.* From his intercourse with the people and visiting his patients.

Ques. Is not the disuse in families the chief cause of the diminution? *Ans.* It probably was.

Ques. Is not this the result of moral influence and not of law. *Ans.* It was so far as the habits of families were concerned, but the law would be an assistance to the moral cause.

Ques. Are intemperance and pauperism cause and affect? *Ans.* They are very closely allied.

Ques. If there is a diminution in the use of ardent spirits in a town, will pauperism diminish proportionably? *Ans.* Should think it certainly would.

Ques. How is it in Randolph? *Ans.* Believes that pauperism has very much diminished there since licenses were withheld. Has no doubt of it.

Ques. Have you as good means of knowing the state of pauperism there, as you have of knowing that the use of spirits has diminished? *Ans.* Believes he has.

Ques. Should it turn out that pauperism has increased in Randolph, how would it affect your theory? *Ans.* Such a result is not possible.

Ques. On which would you place most reliance, the sworn returns of the Overseers of the Poor, or your own opinion? *Ans.* Undoubtedly the former.

Mr. Hallett then produced the following official returns of *paupers in Randolph*,

Year.	Paupers.	Intemperates.	Expense of Poor.
1835	24	4	$1032
1836	27	2	1354
1837	65	33	1750
1838	92	61	1833

Ques. Do these facts from official returns, support your theory Dr.? Witness said he could not account for them if correct. He must say he was puzzled at such a result, if fairly stated.

Mr. H. You have your own Overseers' words for it. It may serve to show that you have been too confident in your own opinions of the matter.

The opposite counsel complained that the witness was unfairly pressed, and the examination closed.

Thomas Bradley, of Tisbury, on Martha's Vineyard, a member of the House, sworn. Thinks the withholding licenses in Dukes County has diminished the use of ardent spirits. In 1830, there were 3000 gallons of ardent spirits used annually in this town. Thinks now there is not over 300. The pauperism has remained about the same since 1831, when licensing was stopped. Being cross questioned as to lhe facilities of getting it to the Island, says it can easily be brought there in vessels and boats, or got from those that stop in the harbors, but the reason it is not used, the people do not want it as they used to. Is in favor of the law, but does not think it will make any difference there.

Being asked if there are no sales there now, and whether it is not obtained by those who want it; says they have one place for the old topers, where they can get it.

Ques. Then you think it necessary to have a safety valve kept open? *Ans.* I do.

Wilkes Wood, of Middleborough, Plymouth County, Judge of Probate. No persons are licensed in Plymouth County. As to the comparative use since the suppression of licenses he cannot tell. Habits have changed. There is not half as much consumed now as formerly. Tavern keepers frequently violate the law. Thinks there is less intoxication than formerly. There are in our village individuals who think it no disgrace to get drunk.

Cross-examined. Are ardent spirits less used in private families than formerly? Yes, generally discontinued. *Q.* Is that the effect of law or moral influence? Doubtless the latter.

Q. Is not the discontinuance of this practice the great cause of the diminution in use? Probably it is.

Questions by Mr. Hallett. Is there any law to prevent using spirits or wines at public dinners? *Ans.* I never heard of any.

Ques. You say that some people in your town, consider it no disgrace to get drunk. Do you not know that the last 4th of July 400 persons held a political celebration in Middleborough, and dined without wines or ardents? *Ans.* I understood so, and have no doubt of it, but was not present.

Ques. Do you know who delivered the oration on that occasion? *Ans.* I understand you did.

Ques. Do you attribute that to moral influence or to this law? *Ans.* You must judge for yourself.

Ques. Does it not show the extent of voluntary temperance in your town? *Ans.* I think it does.

Being asked, by the remonstrants, what had been the effect upon pauperism in his town, witness says—

Formerly there were from 50 to 60 paupers. Now the number is from 20 to 30. Within 12 years the number has diminished about one half. Thinks there were formerly double the number of paupers from intemperance that there are now.

Mr. Hallett. What has been the result as to pauperism since this law took effect? *Ans.* Cannot tell, should suppose pauperism must have diminished.

Mr. H. Judge Wood, do you speak from personal knowledge or from conjecture?

Ans. I have no positive knowledge, but presume it is so from my general understanding of the case.

Mr. H. You say there was more intemperate pauperism formerly than now. But here are the statistics, sworn to by the Overseers of the Poor of Middleborough. Mr. H. then read the following figures from the official pauper returns.

Middleborough in 1835 had 52 paupers, of whom 11 were intemperates. In 1836, 45 paupers and 8 intemperates. In 1837, 49 paupers and 17 intemperates. In 1838 56 paupers and EIGHTEEN intemperates! The expenses of supporting the poor were in 1835, $1078. In 1836, $1071. In 1839, $1254. In 1838, $1300. Showing an increase of paupers, intemperates, and expenses under the prohibitory law since 1834.

JOSIAH BACON, of Sandwich, a member of the House, was sworn and testified. It was six years since licenses had been granted in Sandwich. Withholding licenses had been beneficial. No spirits were used there now but by those who *are beyond moral means.* Does not know of any spirits being sold there now. None was sold openly. There were two taverns. Did not visit them and did not know if they sold.

On cross examination, says—there has been a decided effort to exclude ardent spirits from Sandwich.

Ques. Had it succeeded, was none brought there last year? *Ans.* There were two importations in the Spring and Fall, 25 barrels in the Spring and 41 in the Fall.

Ques. Was there any law to prevent sending rum to Sandwich in barrels? *Ans.* Not as he knew of.

Ques. Then what do you rely upon to prevent the use of the article, if you cannot stop its introduction? Pause.

Ques. Must you not rely on moral influences? *Ans.* Yes. But the dealers in Boston would trust men with rum when they would trust them with nothing else. Witness saw several barrels of the rum brought from Boston, in a store in Sandwich, and asked the man why he did not buy flour, &c. His answer was that he could not get these articles on credit. He said they would trust him for rum when they would for nothing else.

Mr. H. Does not that fact prove that it is easier to get rum to sell than any thing else, and yet you expect to stop it by law? *Ans.* It might be so.

Mr. H. You say that no spirits are used there now, but by those beyond moral means, and yet 66 barrels, which is 2640 gallons, were sent there last year, as *you* know? What proportion would that give to your inhabitants? Witness had not made any estimate.

Mr. H. Would it not not be over half a gallon to every man, woman,

and child in your town? *Ans.* It would, compared to the population.*

Mr. H. How then, has withholding licenses helped you? *Ans.* I consider the law auxiliary to moral influences.

Mr. H. Do you mean to say that all your fellow citizens who used that rum are outcasts beyond moral influences? *Ans.* I did not mean to be so understood.

Mr. H. You said so.

Mr. H. Would you be in favor of this law if it permits wine to be retailed by every body? *Ans.* I should not. The sale of wine would be very injurious if the new law does not prohibit it.

Mr. H. What is the effect in your town, upon pauperism compared with former years? *Ans.* Do not think the expense of paupers has been diminished in three years. In Barnstable County the proportion of paupers is to the inhabitants as 1 to 101. Plymouth, 1 to 73. Suffolk 1 to 25. Essex, 1 to 38.

Mr. H. Have you gained any thing in pauperism, in Sandwich, by force laws? *Ans.* Have no means of stating the facts.

Mr. H. then showed the statistics of Sandwich, as follows. In 1835, 18 paupers, 3 intemperates. In 1836,22 paupers,5 intemperates. In 1837, 28 paupers, 6 intemperate. In 1838, 48 paupers, SEVENTEEN intemperates.

Mr, H. I will ask you one question Mr. Bacon, to prove that ardent spirits are not necessary to sustain labor, which the other side have not shown. You are an agent in the Glass House, at Sandwich. Which workmen best stand the heat of the furnaces, those who drink spirits or water? *Ans.* He had taken some pains to ascertain that fact, and there was no question that a glass blower could do much more work, and stand it longer on water than any other drink.

Mr. SPOFFORD of Beverly sworn.

What has been the effect of withholding licenses in Beverly. Very great.

How many places were there where ardent spirits were sold.

Does not know exactly, twenty or thirty.

Has the consumption of ardent spirits diminished in Beverly? Yes, very materially.

Has pauperism diminished within the last year?

It has increased. Many paupers have been thrown upon the town from other places.

During the last year, has the use of ardent spirits increased or diminished?

Diminished. During the last four years there were nine commitments to the alms-house. During the previous four years there were twenty.

Mr. CLAPP of Dorchester, sworn.

Are paupers in Dorchester supplied with ardent spirits?

No. They formerly were.

How many licenses were formerly granted in the town?

Believes seven or eight.

What has been the increase or diminution of pauperism in the town within the last few years?

Believes there is little, if any, variation. Thinks there are two or three less paupers than there were a few years since.

What proportion of the paupers become so by intemperance?

Two thirds to three quarters. Till the year 1836 rum was bought by the hogshead for the use of the paupers. Since that time its use has

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*[NOTE. The population in 1830 was 3,367. This would give over five pints.]

been discontinued, except in the year 1836, when the overseers bought one barrel, which they furnished them *to taper off with.*

Do the paupers ever get ardent spirits?

Sometimes a jug is found, which the keeper *cracks.* Thinks but very little is used by them.

Which is the most effectual in preventing drunkenness, the law or moral suasion?

Thinks moral suasion will have little or no effect on the drunkard.

Being asked how men can be effectually kept from rum who hanker after it? Says it could only be done by shutting them all up and having a high wall, and then they would get it somehow.

Mr. H. here remarked that Dorchester was one of the towns of Norfolk, represented by Judge Leland as a rum town, where it was sold pretty freely. But that town had *improved* as to its pauperism. In 1837, it had 55 paupers, and 37 intemperates. In 1838, 45 paupers and 30 intemperates.

Thursday, Feb. 14.

Mr. Bliss moved that it is inexpedient to hear any more evidence as to the evils of intemperance.

Mr. Crosby (Agent of the Massachusetts Temperance Union,) hoped the Committee would not adopt that course, to exclude their evidence.

Mr. Bliss. It is for the Committee and not the *Counsel*, to decide this matter. Much time had been spent upon matters about which there was no dispute.

Mr. Bolles wanted to put in evidence as to the effects of intemperance upon man as a social being.

Mr. Hallett said that after his withdrawal on the part of the Memorial of H. G. Otis and others, he had suggested no limit as to the course of the other side, though they had gone into all manner of inquiries. Nor should he now. He had since been retained for the Memorial of Samuel Earle, and 1100 others, for whom he now appeared, and had confined himself to cross questions, in order to bring out the whole truth.

Inquiry was made as to the appearance for other Memorials. Rev. Mr. Whittemore said he appeared with four others in behalf of a Convention of Middlesex County. Rev. Mr. Cobb was also an agent for the same Convention, and wished to be heard. Joseph Harrington, Esq. appeared for the Roxbury Society.

Mr. Bliss's motion then prevailed by a vote of 7 to 3. [Showing only *ten* out of 35 of the Committee present. This was quite the average attendance.]

Mr. Stowell moved to re-consider the above vote, and it was re-considered, and

Moses Grant of Boston was called by remonstrants. Is Chairman of the Committees' on the Houses of Industry, Reformation and Correction. In 1838, 405 males were committed to the House of Correction—190 were common drunkards; 319 females, 152 common drunkards. Of those committed by the Police Court, 19 out of 20 have the delirium tremens. In ten years, 7588 persons had been committed to the House of Correction.

Deacon Grant read at considerable length, statements from a pamphlet of the statistics of the Houses of Correction, Reformation, &c. He had been 30 years connected with these institutions, and should like to relate a few affecting stories, which he did. He said he knew of a case where a man in Lynn had sent his boys to Salem to get ardent spirits. Could get none in Lynn. He spoke feelingly upon the evils of intemperance in society and families, and read several Police Reports from the

Boston Morning Post, particularly one of June 26, 1838, "I'll not march through Coventry, that's flat." Does not know that it is true, but has no doubt of it. He said, our Police reports do trifle with misery and crime. He knew a case of children coming to a Primary School, intoxicated. It was the fault of their parents, not the Instructress. He could not but think that the new law would have a good effect if enforced. As to its oppression upon the poor, he had conversed with drunkards who desire the law to be supported. Many persons came to him to know if the law would stand. They expect more than it will effect.

They did not assist intemperate persons out of the Alms-house. But their families were aided. He had no means of tracing crime and poverty to intemperance, only by general statements and observation. Could not undertake to speak from investigation in each case. The estimates were general. There were more facilities for getting spirits in Suffolk than in any other County, and there ought to be a greater increase of pauperism there than in any other County.

[Statistics, however show less increase, than in most of the prohibiting Counties.]

Rev. Jared Curtis. Has been 13 years Chaplain of the State Prison. In all the inquiries he has made of prisoners, three fourths have stated that they owe their commission of crime to the use of liquor. About one half perhaps, committed crime under the influence of liquor. He does not pretend to be numerically correct, but substantially so. The report of Massachusetts State Prison 1833, shows that out of 119 convicts, 100 say they owe their imprisonment to this *beastly* vice. Report of 1837, out of 313 convicts in the prison, 156 traced their crimes to drink; 19 used none; 104 temperate drinkers; 190 intemperate. Report of 1838—116 admitted. Examined 114; 5 used none; 44 temperate drinkers; 62 intemperate; 59 say, led to crime by drink. Believes the prisoners might be reformed, if it were not for intemperance. Last year a person came back; wished to get into prison again to avoid temptation to drink. On cross-examination, says he was simple, an idiot. He stole a horse to get back.

Cross-examined. There has been an increase of commitments the last year. In 1837, 291. In 1838, 302. The whole class of higher criminals are temperate men. Forgers, burglars, pickpockets, and in crimes that require shrewdness, the convicts are usually total abstinence men. Witness attributes the increase of crime under the new law, to the increased drinking from principle, or opposition to the law.

Being asked his means of tracing crime to intemperance, says he has no other than what the convicts tell him.

Mr. H. Do they not consider it a fair excuse to attribute their crimes to drink? *Ans.* Unquestionably. They are desirous of palliating their crimes by ascribing them to intemperance.

Ques. Are you not liable to be misled from that cause? *Ans.* I think so. They often use it as a palliation.

Ques. Can you tell how much of intemperance is the result of previous crime and disgrace or bad conduct, as well as the reverse? *Ans.* Have no means of arriving at a result.

Ques. But may not crime produce intemperance as often as the reverse, and can you show it does not? *Ans.* Should think it did not, but undoubtedly they are mutual cause and effect.

Ques. You speak of intemperance as a *beastly* vice. Do you know of any beast that habitually injures itself by excessive drinking? *Ans.* I do not.

Mr. H. Then is it not unjust to irrational animals to call drunkenness a *beastly* vice? Mr. C. It had never occurred to him in that light.

Ques. What means do the convicts in prison resort to, to get intoxicating drink? *Ans.* They used to resort to various expedients. It is almost impossible to exclude it, but believe it is done now. Some time ago it was found that they would keep their allowance of molasses and yeast for bread, out of which they brewed stuff that would intoxicate. This was put a stop to.

Rev. Dr. Tuckerman, of Boston, resident minister for the poor, was called to testify as to the effects of intemperance upon social affections. These he described in an eloquent and impressive manner, and with deep sincerity. If the dram shops could be closed he would willingly take care of the poor. Being asked as to the benefit of laws designed to aid temperance among the poor, says—I hardly know how to answer. Moral persuasion will best succeed with the better sort, but there are cases it cannot reach. When I go to a poor man, whose children are in rags and filth, I cannot use moral suasion with him under this hankering thirst.—There are men far beyond the reach of moral influences.

Being asked if any law could restrain the hankering of such men, says only by making the gratification impossible.

Being asked if either law or moral suasion could reform the drunkards, witness says a few are recovered, but very few.

The counsel for remonstrants asked his opinion of the law of '38? *Ans.* I am not willing to hazard a judgment, as to the law. They also asked, would the poor resist the law? *Ans.* I doubt not the poor would readily *submit*. The difficulty would be between the City Government and the sellers. *Ques.* Would it be oppression to deprive the poor of the use of ardent spirits? *Ans.* Oppression! O! no! it would be a mercy.

Cross-examined by Mr. Hallett. Do you mean to say Dr. Tuckerman, that the poor need more restraint upon their appetites than the rich? *Ans.* By no means. I do not wish to be so understood.

Ques. Do you not find more of the virtues of self-denial and patient endurance in the poor than in the rich? *Ans.* Undoubtedly. I freely admit the virtues of the poor.

Ques. Is it not unjust then, to attribute so much of poverty to vice and intemperance, and is not poverty inseparable from society without intemperance? *Ans.* Surely there is a great amount of poverty arising from circumstances in God's providence.

Ques. Then you would not imply that poverty involves crime, but may arise from virtuous misfortune? *Ans.* Unquestionably. I would by no means be understood otherwise.

Ques. You spoke of oppression. Did you mean to say that a law which should deny an indulgence to the poor in proportion to their means, and grant it to the rich, was not an oppressive and unjust law? *Ans.* I do not mean to give any opinion as to the law in question. I only speak of the evils of intemperance which cannot be too deeply deplored.

Mr. H. I only asked the question, Sir, to prevent a wrong inference from your answer to inquiries on the other side. No one who knows your disinterested labors in the cause of humanity, can doubt your sincerity or fail to respect the purity of your motives, as I do.

Asahel Huntington of Salem, District Attorney for the Counties of Essex and Middlesex, called and sworn. No retailer's licenses had been granted in Essex since 1836, except a few retailers of wine. There were great difficulties previous to 1836. There have been prose-

cutions formerly, got up by the drinkers. Now they are got up by the friends of temperance. In Salem there were 32 licenses last year. As to enforcing the law, I am satisfied there will be no difficulty. I think the people are satisfied that it is better that licenses should be withheld. Have had no considerable difficulty in enforcing the former law and apprehend none in this. Have had as practical experiment of enforcing the law in Essex. After licenses were withheld in '36, the friends of temperance determined to enforce the prohibitory law. Indictments were found, the parties would not contend, and were let off on paying costs upon condition they did not offend again. This put a stop to the sale. There were less prosecutions in Essex than in Middlesex, where licenses had been granted. In the latter the fines and prosecutions amounted to $1600; costs to $969. In Essex, fines $375. Costs $1200.

The Court has decided that the new law repealed the old law as to retailers. Whether it does not restrict wine at retail he is not prepared to say. It may be it does not. But he thinks the old law remains as to wine. As to enforcing this law, it can be done wherever there is a general disposition to enforce it. Otherwise it might be difficult. In the first place he relied on those favorable to the law to enforce it, and next upon the trade, who are very kind in furnishing the best evidence. They understand who the customers are, and if one is prosecuted and can't sell, he likes to see others stopped as well as himself, and will furnish the means to do it.

In Salem there were 555 paupers, 500 of them from intemperance. The temperance reform was showing itself in Essex. There was a falling off in Salem lately in prosecutions. The fines now go to the Counties and the costs to the Commonwealth. If the fines were paid to the Commonwealth, the State would make money by the prosecutions. The fines exceed the costs.* Most of the criminal prosecutions arose from ardent spirits. Of 250 criminal prosecutions in Salem in 1836, 85 were common drunkards. Of 30 in 1838, 25 were common drunkards.

Cross-examined. There had been no prosecutions under the law of '38. The prosecutions under the former law were most numerous in Newburyport, probably 60 or 70 dealers. Also in Gloucester, as he understood.

Mr. H. What is the proportion of decrease of pauperism to the decrease of licenses in the towns? *Ans.* The decrease of pauperism must be in proportion to the prohibition of licenses.

Mr. H. Do you know that as a fact? *Ans.* I have no doubt of it.

Mr. H. Can you show it in any town in Essex? *Ans.* I have not the figures. Perhaps in many towns the effect of prohibition has not yet appeared, as it respects pauperism. There has not been time.

Mr. H. Ought it not to appear in three years? *Ans.* Should think it would.

Mr. H. Will you name a town in which this result ought to have appeared by this time? *Ans.* I would take the town of Beverly. The effect should be felt there.

Mr. H. But suppose pauperism has increased there, how would it effect your theory? *Ans.* I presume it will not prove so.

Mr. H. then produced the official returns of Beverly as follows. In 1835, paupers 45, intemperate 23. In 1836, paupers 81, intemperate 30. In 1837, paupers 95, intemperate 71; of whom 16 were foreigners.

*Upon this hint, the Legislature subsequently passed an act that the fines recovered in all prosecutions, shall be paid into the State Treasury. The county balances, will now fall upon the counties instead of the State Treasury as heretofore.

In 1838, paupers 82, intemperate 61; 3 foreigners. Deducting the foreigners, there were 79 paupers, and 55 intemperates in '37, and 79 paupers and 58 intemperates in '38, showing an actual increase instead of decrease. In 1835 and '36, the pauper expenses in Beverly were $1200. In 1837, $1669. In 1838, $1769.

Mr. Huntington could not explain these results satisfactorily. Ther- must be other causes he thought operating.

[It was also shown by Mr. Hallett, that in Newburyport and Glouces ter where Mr. Huntington testified there was the greatest sale, there had been a decrease in the number of paupers.]

Witness said there had been a decrease of crime in Essex, *full one third within three years.** He did not expect so much from this law as some did. He valued it chiefly as a moral expression of the Legislature against the use of alcohol.

Mr. Hallett. Why not then be content with a resolution to that effect, as against the Convent rioters? Witness, however, thought it was best to have the force of the law on the side of Temperance. He said he believed this law to be, on the whole, a sound and a wholesome law—a law which expressed the "sober second thought" of the people of this Commonwealth, that ardent spirits were not necessary for a man in a state of health, but on the contrary, highly detrimental. He regarded it not so much for its effect in putting a stop to the traffic in ardent spirits, as for exerting a moral influence of the highest importance, on the people of the State. The law no longer recognized the deceiving doctrine that ardent spirit is a benefit to the community—*a public good.* He would rather there would be no law, than that a law of the Commonwealth should teach such an egregious falsehood. He thought that the traffic in ardent spirits could not be *regulated.* If licenses were granted, more people would engage in the traffic without licenses than with—but by *prohibiting* the traffic, it would be driven into corners and secret places, and it would be consequently much diminished. We shall then no longer find respectable people among either the buyers or sellers.

On further questions, witness says that the greatest argument against the new law, was that it did not restrict wines. In regard to the licensing of Apothecaries, to sell for medicine, it was liable to abuse, and would be likely to increase that sort of sickness. He thought it a fault in the law.

Being asked how he could convict an Apothecary for selling to a man who asked for medicine and used it for beverage; he admitted it must be a question of intent in the seller, and not the act of the buyer, to determine the guilt. Of course difficult to prove to a Jury.

Being questioned as to the objects of the Temperance Conventions held during the session, one of which had just closed in Boston; he denied that they were designed to control the Legislature as to this law, but admitted that no such Conventions had been held here, simultaneously with the Legislature, until this law began to be pressed. A great many members of the House were members of the Convention. The Convention resolved to sustain the law. Witness himself offered resolutions in the Temperance Convention, declaring that it would be immoral to license the sale, and that the Legislature would be false to their trust, or to that effect, if they repealed the law. They were opposed by Profes-

* The District Attorney committed an egregious error in this statement. The official returns of crime in Essex County show, that in 1835, the whole number of commitments to Jails, &c., for crime, was 352. In 1836, 357. In 1837, 406. In 1838, 453. In Middlesex, where licenses were granted, commitments for crime in 1835, 171. In 1836, 106. In 1837, 142. In 1838, 124.

sor Greenleaf, on the ground that they seemed to dictate to the Legislature, and were liable to the charge of intermeddling; but neither witness nor the Convention so understood them, and they were adopted. Mr. Huntington here stated that his engagements required him to leave town, and was released from further cross questions.

Joseph Tripp, of New Fairhaven, a member of the House. Knew of no tipling shop in Fairhaven, but could not say it was not sold there. In New Bedford a great deal was sold.

Mr. Bachelder of Lynn. Should think the use in that town had had diminished three quarters, but they get it yet as much as they want. There was much opposition to the law. The Temperance cause had produced a very great change for the better. He thought it had improved the paupers. The practical results have been favorable in refusing licenses.

Cross examined. The Apothecaries selling, under the new law, might lead to great mischief. The journeymen could send for a pint or so, for medicine, and drink it in their shops. If wine was free, it would be very injurious to temperance. Thought there was so much opposition, it was going back.

Mr. Hallett. Deacon Grant stated, that a man in Lynn had to send to Salem to get rum. Is it so? *Ans.* Any man who loved it could get rum in Lynn without going to Salem.

Mr. Macomber, of New Bedford. The new rum formerly came from Rhode Island to New Bedford. It never came from Boston. There was undoubtedly a great quantity came to New Bedford, and was sold there, but he could not state the particulars.

Capt. Taber, sworn. Resides in New Bedford. Is connected with four regular packets, running between Boston and New Bedford. Has examined their freight books, and finds this result. In 1836 they carried to New Bedford from Boston, 1391 barrels, 45 hogsheads, and 35 pipes of ardent spirits. In 1837, 1233 barrels, 37 hogsheads, and 39 pipes. In 1838, 1072 barrels, 27 hogsheads, and 9 pipes.

Rum was brought from Rhode Island formerly, but he understood but little came that way now. As to what is done with the rum his vessels carry to New Bedford, the principal part is consumed there. New Bedford also supplies Rochester, Wareham, and other towns. Is not acquainted with all the modes of supplying customers and evading the law. One individual carts it round as milk, in milk carts. Carries on a large business in this way. One of the Committee asked the name. Witness says it is Eleazer Phillips. Very few are considered respectable who deal in it. Should think the effect had been to change the trafic from respectable to disreputable hands. Should think on the whole, the effect was good as to the law, and must promote temperance. Is himself a temperance man.

Cross-examined by Mr. Hallett. Says the whale ships never carry out spirits, and knows of none exported. All that comes there must be consumed or sold in New Bedford and adjoining towns. Should think his own packets did about three quarters of the freighting between Boston and New Bedford. There is another regular packet, not in his concern, besides transient vessels and coasters. In 1837 witnesses' Company voted not to carry any spirits. This sent it all to the other concern, which continued to carry it. His concern then rescinded their vote, and began again. Supposed that might be the reason his vessels did not now carry as much as formerly.

Mr. H. also questioned witness as to *wine* casks, which were sent by his vessels from New Bedford to Boston empty, and returned filled. He

says he does not include these in his statement. There were 37 or 38 such casks in 1835. Now there are from 40 to 50, annually carried. He cannot tell their contents. They may have been spirits in wine casks. Being asked as to transportation by land, empty jugs and kegs sent in baggage wagons, &c., says he cannot state, but no doubt a great deal is sent in that way.

Mr. H. You say no respectable persons deal in the article. Is it thought respectable for temperance men to receive the profits of *freighting* the article? Witness had no opinion to give.

Mr. Hallett. Is not rum &c., brought into New Bedford from New York? *Ans.* Does not know the fact, but presumes it is so.

Mr. H. Do you not know of a particular instance in which rum was brought into New Bedford from New York, which a person in New Bedford was charged with having procured on credit, by false pretences? *Ans.* He did know something of a quantity of rum under such circumstances, brought from New York to Rochester and carted to New Bedford by night.

Mr. H. To whom was that rum brought?

Mr. Stowell, of New Bedford, one of the Committee, objected to the question, as irrelevant.

Mr. Hallett. The gentleman from New Bedford, (Mr. Stowell,) was the member who *insisted* on the names of the customers of the dealers being given, and I hope Mr. Chairman, he will not object to the application of his *own rule* to *himself.*

Mr. Walcott (Chairman of the Committee.) It is true that the gentleman made the motion requiring the names, and it appeared to him the question was a proper one, under the rule.

The witness then said the person was Eleazer Phillips, the same who sent out the milk carts.

Mr. H. Has he been demanded by the Executive of New York, and delivered up by Governor Everett, on a charge of obtaining the rum by false pretences? *Ans.* Such is the fact.

Mr. H. Who went on to New York with Phillips and got him bailed?

Mr. Stowell here interposed and said, Mr. Mc'Nevers was his bail.

Mr. Hallett to Mr. Stowell. Was it not Mr. Stowell? No answer.

[After the examination of Mr. Macomber and Mr. Bachelder, (which is given before that of Capt. Taber, to preserve the connexion,) and as the session of the Committee was drawing to a close, *Mr. Stowell* rose and desired to make an explanation. He said a question had been proposed to the witness (Capt. Taber,) as to his, (Mr. Stowell's,) connexion with the procuring of bail for a Mr. Phillips in New Bedford. The object was to cast obloquy upon him, Mr. Stowell, and he wished to explain the circumstances. Mr. Phillips is a near relative of my wife. He was indicted, in connexion with one Gurney, for obtaining goods in New York, under false pretences, among which was the rum spoken of. Gurney had bought goods in New York for two years, and sold to Phillips, who had paid for them. Gurney's creditors came to New Bedford, and being unable to obtain their demands in a civil suit, had him arrested as a swindler, and Mr. Phillips as an accomplice, who had property. Gurney agreed to turn States evidence against him. At the request of the friends of Mr. Phillips, and of my father-in-law, I went on to New York with Mr. Phillips, and procured bail for him as I had a right to do. [It afterwards appeared that Mr. Stowell gave the bail in New York, (a citizen being required) a check on or of his father-in-law for the whole amount of the bail bond, to save the bail harmless.]

Mr. Stowell concluded his statement by repeating that he considered

the questions as to Mr. Phillips, designed to cast odium upon him, in retaliation for having required the names of the purchasers in New Bedford, and that it had nothing to do with the case.

Mr. Hallett considered it directly in point and very material to the inquiry. The Memorialists had been trying to show, that notwithstanding the prohibition law, spirits were freely obtained in New Bedford, and this evidence had been excluded on the motion of Mr. Stowell himself, unless names were given. It now turns out that Mr. S. was himself in posession of the fact that a large quantity of rum had been surreptitiously brought to New Bedford, in the night, by *one of his own relatives*, the largest dealer in the place; and yet he concealed this fact from the Committee while suppressing other evidence to show the sending of rum to New Bedford. My object, said Mr. H. was to let the *truth* cast odium where it might, and but for this inquiry of Capt. Taber, this fact would have been concealed. I have no wish to injure the gentleman, and do not deny his right to procure bail for his relative of the milk cart, but I would merely suggest for his reflection, that if he is willing to uphold and stand bail for those who obtain *rum* by fraudulent means, he perhaps, ought to be a little more charitable to those who sell it lawfully.

Mr. Crosby now put in a statement as to the relative amount of costs and fines in the license prosecutions under the old law. In two years there had bean 645 prosecutions, and 401 convictions. Fines $8093. Costs $7670.

Rev. Mr. Cobb, for the Middlesex Temperance Society, made an address to the Committee of considerable length, for the law.

Judge Leland of Roxbury desired to explain his testimony. He said he was in favor of the principles of this law, but now he reflects upon it, he thinks a modification would be better. He is in favor of a prohibition of sale as far as it can be carried. But in some cases there are strong interests to resist the law. The case in New Bedford, as given here, showed this. In New Bedford and Boston, and large places, the law would find great obstructions. I have no doubt you cannot enforce the law unless you add wine. It is not strong enough as it is, and it will baffle all your skill to enforce it. If you prohibit only up to fifteen gallons you dont go far enough. If in Norfolk you should say one gallon, the people in two years will carry it to a hogshead. I want to give the people a right to prohibit as far as you can carry it.

I wish also to say that I have received a communication from the Mayor of Boston, complaining that I had reflected on the City Government. I meant only to say that there would be a great excitement here about this law, and it could not be disconnected from the city officers, nor could you expect any great zeal on their part to carry it into effect. It could only be done by a systematic course on the part of the friends of the law.

I am opposed to having a law attempted, that is, to be trampled on, and I fear such will be the case with this. I was astonished to hear of the amount sold in New Bedford, &c., in spite of a prohibitory law. So far I wish to qualify my former testimony.

Mr. Hallett. Will you please state whether you mean that the City authorities would not execute the law from the intrinsic difficulties of the case, or from wilful neglect? *Ans.* I meant distinctly, from the intrinsic difficulties of the case and not the predisposition of the City Authorities.

[The testimony here closed on both sides.]

Monday, February 18.

Mr. Henry Williams, of Boston was heard for fifty minutes, in reply to one of the Remonstrants' counsel, Mr. Bolles, who had described the

law of 1822, of which Mr. W. was the author, as an infamous and "*damnable* law," that would confer "an immortality of infamy" upon its author!

Joseph Harrington, Esq., of Roxbury, made an argument in favor of the law, for the Roxbury Remonstrants. After Mr. Harrington closed, Mr. Hallett summed up the statistical facts and other evidence, particularly bearing on the pauper question, and presented elaborate tables of statistical facts.

Monday, February 18.

SUMMING UP BY MR. HALLETT

For the Memorialists,

With Statistics as to Crime and Pauperism.

Mr. Hallett thanked the Committee for the opportunity allowed him to sum up the evidence in this Investigation, and to present a series of important statistical facts, which he should proceed to do as briefly as possible, leaving to his associate Counsel, (Mr. Dexter) the general close in the argument for the Memorial.

The law under consideration was a great change in standing laws for two hundred years; suddenly making an innocent act of the citizen, a crime to-day, which ever before had been protected and encouraged as lawful and proper. To induce the Legislature to sustain such a change, those who demand it were bound to show great and certain *good*, as the result. There should be no doubt, no experiment in so grave a matter, to warrant such new and extraordinary legislation. The remonstrants had failed to make out such a case, or to show the necessity for such a change in legislation.

Their positions in support of the Act of 1838, and ours in answer to them, are condensed in the following general points.

First. They contend that the Act goes upon the assumption that intemperance proceeds from dram shops which it is intended to suppress. This is their main argument, as to the expediency of the law.

We show that this assumption is unfounded, so far as this Act can operate as a remedy, and that instead of diminishing, its effect will be to increase the places of sale.

1. To this point the evidence of the Mayor and Marshal, and the admissions of Judge Leland, are conclusive as to the effect in Boston.

2. The testimony for the Remonstrants shows an increase of dram-selling, under prohibition, in New Bedford, Newburyport, Gloucester, and other towns, and also an increase in Salem. They do not show a positive diminution any where that is not traced to voluntary, moral causes. It is impossible to escape from the fact, that in all the large towns, the places of resort for drinking, will be increased by the operation of this law, and the ineffectual resistance and evasion it will give rise to.

3. In the smaller towns, where there has been little or no sale, it will increase facilities for obtaining small quantities, by the licensing of Apothecaries who can sell to any one who will pretend he wants it for medicine, and especially by the universal license to keep wine shops. Every man who so chooses, can open a wine shop, under this new Act, and serve his customers with white or red wines to their liking. Their own witnesses say if wine is sold, spirit will be. The whole argument therefore, touching dram shops, entirely fails, and is disproved by the whole force of the testimony on both sides. If a law is wanted to suppress dram shops, this unconstitutional and ineffectual Act is not that law.

Second. Their second position is founded on the general evils of In-

temperance and the blessings of temperance. They called six witnesses on this point, Drs. Pierson, Channing and Alden, Mr. Grant and Revd. Messrs Tuckerman and Curtis, and occupied over two sittings of the Committee, besides their arguments in the opening. But they left even this point in more doubt than it was when the investigation began.

The object was unfair and deceptive—to identify the cause of temperance as a principle of good, with this particular Act, when the whole issue is, not temperance, but whether this Act will best promote temperance.

We admit the evil, but deny that this Act is a remedy, and contend it will prove an aggravation of the evil. The difficulty is, that the friends of the Act, under a sort of monomania from contemplating extravagant pictures of this evil, comprise in it the sum of all evil; as if human nature would be perfect, without alcohol. We hold that there are other evils in the world, besides intemperance; a fact which seems to be entirely disregarded by the ardent friends of this law. So far from remedying this single evil, a law of prohibition will inevitably result in universal license. In short, the axiom which Reformers must sooner or later admit, and the sooner the better for the cause, is, that REGULARION PROMOTES TEMPERANCE, AND PROHIBITION ENCOURAGES INTEMPERANCE. On this maxim we stand, as the rational friends of practical temperance.

Third. They assume that all other laws have failed to suppress intemperance, and therefore insist on this. As well might they rail against the divine law, for having failed to suppress sin.

We contend that the evil is one of those which law cannot reach or remedy; and that attempted prohibition is more injurious to Temperance than wholesome regulation; because the former cannot be enforced, and leads to universal license: the latter can be enforced, with the general consent, and will restrain the evil.

Fourth. They contend that by licensing the sale, the Legislature license intemperance, and that to restrain and regulate a lawful act, which by excess may lead to evil, is to sanction that evil. In other words that to regulate the sale, is to authorize an abuse of the use of ardent spirits.

The proposition refutes itself, because to regulate a lawful act, which if abused, may tend to crime, and punish the crime when committed, but not the innocent act that may be abused; is not to sanction the crime; whereas the other mode, to prohibit an innocent act in one man, least another should take advantage of it to commit an offence, is to punish the innocent because others may be guilty.

You punish assaults and violence, when committed, but you do not punish anger and ill temper, which lead to all assaults, and to most of the domestic misery in life.

You punish larcency when committed, but you do not destroy property, or fine a man for not concealing his property, so as to prevent all temptations to theft. If legislation should attempt to prohibit all acts that may tend to evil and crime, it must provide a special law for every possible human action.

The doctrine that it is the duty of the Legislature to remove all temptations to crime, would require the annihilation of all individual property to prevent larcency, and the restriction of every object that can excite a wrong impulse of human nature, or a longing of desire, or a grasping of avarice. No crime is committed without temptation and inducement, but the law, except in this single case, punishes no such inducement or temptation or desire, unless wilfully made and excited in order to abet the crime. The *intent* then becomes crime in the wilful abettor, and is punished because it *is* crime, not because it may tend to crime. It can-

not remove temptations to or the causes of voluntary moral acts. It punishes crime because it is a violation of some natural law or right secured by Society to the community or to individuals. It does not assume to punish inceptive acts that may tend to a violation of moral and divine laws, by abuse, and ultimately lead to a violation of Statute law. It cannot reach or remove temptations to sin. To assume such a power in legislation, would be to fly in the face of Providence, who has made man a free moral agent, and placed good and evil before him, that he may choose which he will. Will the friends of this law rail at the want of wisdom in the Almighty in not having removed all evil from the world, so that good only could exist? He is the only legislator who has the power to enforce such a law. Is man, without the power, wiser than God?

Here is a use of a particular article of drink, depending on voluntary choice. The moderate use is lawful in itself and not positively injurious, more than any other harmless luxury temperately enjoyed. The tendency of the use is to excess in some, which ruins themselves and injures others; and so is the tendency of every luxury or indulgence not absolutely indispensible to life. The excess is the evil, not the moderate use; and the only question for wise legislation is, how can it best restrain the evil effects, not how it shall prohibit or render impracticable the moderate use in all, lest it should lead to excess in some.

Content with the law, is the design of all wise legislation, and in free government there never can be, and never ought to be, content with that kind of legislation which punishes one man for the crime of another, or deprives one man of his inalienable right, because another man may abuse his. There must be something wrong in this Act, for while legislation is becoming liberalized, in the punishment of crime itself, even to the abolition of capital punishment, for all but two offences in this Commonwealth; this law proposes to create new and artificial crimes in order to punish them.—A manifest violence to the spirit and progress of the age. When nearly all civil and religious improvement is left to voluntary influences, is it wise to invade voluntary morals by arbitrary laws?

Fifth. They deny that the public good requires licensing and regulation, but demands prohibition; and they sneer at this phrase in the old law, of "*public good.*"

But if regulation restrains the evils of intemperance, and prohibition will increase those evils, then the "public good" requires regulation rather than prohibition. This is the very point at issue. We contend, and all experience proves, that a law of prohibition cannot be enforced, while a law of regulation of trades and occupations may. That the latter promotes, while the former injures, the cause of temperance. Hence if the public good is to be consulted, that course is be adopted which will practically secure the most public good, Licenses are granted for that purpose, and not as the friends of prohibition pretend, because the public good requires the use of the article.

Even in the little town of Tisbury, (Dukes County) entire prohibition cannot be enforced, and one of the Selectmen of that town has testified that they find it necessary to wink at one place being kept open, as a sort of safety valve. There is true philosophy in this, and there is sound sense in requiring licensing for the public good. Without either licensing or prohibition, the sale would be universal under general standing laws as to all property rights. With prohibition it will practically become so, and the evils of crime, prosecutions and excitements and party conflicts are to be superadded. Licensing is the only practicable limitation, un-

til universal consent establishes disuse without force laws; and the whole question is, will you have this limit or have none?

You might as well undertake to prevent the eruption of volcanoes, and the escape of electricity, by plastering over all the holes in the earth, as to attempt to restrain the appetite by a law of prohibition.

Sixth. They put into the case the physical and mental evils of intemperance, and its effects on social affections.

All this was admitted before they attempted to prove it, in an exaggerated form, as if to terrify the Legislature into making unjust laws.

Our reply is, this law is no remedy, nor do they show that it can be any. They beg the question by assuming it will be beneficial if it can be enforced, and the farthest they go, is to *hope* it can be enforced, while we show that it cannot be enforced.

On the other hand we show that this Act will be a positive injury to society, to the social virtues, to the rights of property and person, to the public justice and to the cause of temperance.

1. By the costs and conflicts in unavailing prosecutions to enforce a law against the strongest convictions of personal right in so large a mass of the community as will be found unyieldingly opposed to it, on great fundamental principles.

2. By the hypocracy, meanness and malice it will engender. By the evasions if not open violence it will incite. By the false witnesses to convict, and the perjuries to escape conviction, in your Courts, and by the inevitable disagreement of Juries, who are bound to acquit, if convinced the Act is unconstitutional, unequal and unjust.

3. By excitements, conflicts and divisions in communities, to the disturbance of good neighborhood and the public peace, and by the fixed determination it will give to men to obtain at all hazards what an unjust and unequal law assumes to prohibit to one class of citizens, and allow to another.

Parties are already formed, for and against this Act, with bigotry, zeal, self-will, pertinacity, interest, and all the incentives, to an excited conflict animating them, as well as principle. Let the struggle go on, and how long before they will be ready to take each other by the throat? Such an unhappy state of things will hardly promote the social affections! Men of independent spirit, can never be subdued in such a struggle, by the strong arm of a tyranical law, and even if subdued, it can only be to make them discontented citizens, and to leave a breach in social and civil relations, as enduring as the sense of wrong.

Seventh. The supporters of the Act, answer our Memorials from Boston against it, by sneering at the signers, and the manner in which they write their names. They do not all own or hire houses, ride in carriages, and write elegantly! therefore their names are not to count in a petition to the Legislature.

The argument, like the Act it upholds, is founded on unjust and aristocratic distinctions in Society. It assumes that a man without visible property has no stake in society, and should have no political power in the State. It is money and not men, which they contend should count in memorials and petitions to the Legislature touching the public good! The Constitution recognizes no such distinction. It says "the *people*," not merely those who own houses and can write well, but "the *people*, have a right to give instructions to their representatives, and to request of the legislative body redress of wrongs and grievances."

There are two Memorials from citizens of Boston, bearing 5900 signatures. The remonstrants sneer at all they do not find in the Directory, as worthless and of no account. But there are 15000 voters in the City of

Boston, and it is said, not 8000 of them can be found in the Directory. They are without houses of their own, young men, mechanics, journeymen, laborers, the hard working and honest citizens, who are ever more jealous of an infringement on personal rights than the specially favored few, because unequal laws always fall hardest on them. Are these to be excluded and denied the rights of citizenship?

If this number of 5900 *men*, (not women and children) are influential and honest citizens, you then have an immense moral power to contend against in enforcing your obnoxious law. If otherwise, you then have a mass of more dangerous opposition; a physical force, which if reckless and unprincipled, as is pretended, you have no standing army, no police and no power to control. Let the Remonstrants take their choice of the two impediments to their impossible law.

Eighth. Their eighth position in support of the Act is, that intemperance is a load on political economy, in reference to crime and pauperism.

If this is meant of intemperance as a moral and physical evil, there is no controversy between us. If an argument for the act of 1838, as a remedy, we deny its truth and its application.

Effects on Crime.

1st, as to Crime. Their evidence is vague and inconclusive. Their statistics mere *guesses*, without reasonable data or tangible facts—at best, the *excuses of criminals* who think to palliate their crimes by attributing them to intoxication. In most cases the estimates are made by men zealous in exagerating the evil as the *source* instead of (often) the *consequence* of all other evils. It is a problem not yet solved, how far intemperance engenders crime, and leads to misfortune; or crime and misfortune engender intemperance, The vices always go together, like the virtues. They act upon each other, as mutual cause and effect. The vicious become intemperate because they are vicious, quite as often perhaps, as the intemperate become vicious because they are intemperate.

The temperance Reformers regard it as a sort of "pious fraud," to attribute all vice and crime to intemperance, in order to render it odious. The vice of intemperance cannot be rendered too detestable, as a vice, but when these loose statistics are used to urge the Legislature to violate fundamental rights, and enact arbitrary and unjust laws, it becomes a duty to expose their fallacy. The higher order of crimes, the frauds, and conspiracies, and villainies that wound society deepest, are rarely allied to intemperance. It requires cool heads to perpetrate attrocious crimes. Such is the evidence as to State prisons.

2nd. There is no increase of crime shown, or that can be shown, which calls for an exercise of a contested and dangerous power by the Legislature, or for any extraordinary and doubtful hypothesis to be assumed to justify a questionable Act of legislation. We are making punishments milder, and simplyfying the criminal code, on the very ground that crime is diminishing, and yet the argument now is that we must create artificial crimes, and make lawful acts penal, in order to prevent crime!

There has been in fact, no increase of crime in this country, of late years, to produce alarm, and demand an increase of penal enactments. Population has increased much faster than the ratio of crimes, and in no community on earth, is there less of positive crime than in Massachusetts, though our Statute book goes beyond that of any free State in the world, in the creation of artificial offences; and hence we seem to have more criminals than any other State, and our criminal costs of prosecutions exceed that of all the other New England States together.

The Remonstrants have given in evidence, the 9th Annual Report of the Prison Discipline Society. Page 29, is an article headed "Not an

alarming increase of crime in Massachusetts, compared with the increase of population." This is shown by their tables giving the results of ten years up to 1834, the very period when no prohibitory laws as to licenses were in existence.

In *Suffolk*, where there is the largest foreign influx, the population had increased *one third* and crime less than *one sixth*. In *Essex* County, the only town where crime had diminished, was Newburyport, which is now held up by the District Attorney, in his evidence, as the most reprobate in violating the law of prohibition. Here are figures to demonstrate our position.

Table of the relative increase of Population and Crime in Massachusetts for ten years, from 1833 to 1833.

Counties.	Increase of Population in ten years.	No. of Criminal actions in 1833.	Increase over 1823.
Suffolk	18,000	1,318	197
Essex	9,000	210	79
Middlesex	16,000	175	94*
Barnstable	4,000	15	9
Dukes	225	9	6
Bristol	8,000	162	53
Berkshire	2,000	34	6

Counties where Crime had decreased, or not increased.

Hampden	3,000	32	1
Hampshire	3,700	17	5
Norfolk	5,000	17	14
Worcester	10,000	40	14
Plymouth	4,000	20	14
Franklin	200	31	14

* Including Lowell within a few years.

We all agree that intemperance has decreased since 1833, by change of habits and customs, under enlightened moral influence. If crimes have increased in the past five years, it would follow that there is more crime under the Temperance reform than before it began. But the truth is, crime has not increased. Either way, the argument as to crime, utterly fails to show a demand for, or justification of this law.

It has become quite too common to ascribe all crimes and all evils to Intemperance, and to libel ourselves in the estimation of the world, as a community of tipplers and drunkards, for the sake of making out a strong case. The community bore this injustice so long as it is confined to the declamation and the *guessing* statistics of Temperance agents. They will revolt at it, when it is urged as an argument to measure out drink and diet by law—to grant free indulgence to the rich and deny the right of moral volition to the comparative poor. We have been driven by the harshness of this law and the arrogant confidence of its supporters, to test the truth of their positions, which we were not prepared at first to deny. They would not take our admission, and we now demolish their whole arguments, by showing the falsity of their assumed facts.

The Remonstrants put in another Document the 13th and last Prison Discipline Report. From that Report I have drawn the following comparison of State Prison offences, not at all favorable to the force laws of Massachusetts.

TABLE *of relative commitments to the State Prisons, in five States from* 1836 *to* 1839, *at intervals of four years.*

	1826	1830	1834	1837	1838	Decrease.	Increase.
Massachusetts. Whole No.	313	290	277	291	313		Same.
Committed	81	115	119	99	116		35
Maine. Whole No.	79	94	64	77		2	
Committed	58	36	33	34		24	
New Hampshire. Whole No.	59	68	79	72	70		11
Committed	13	31	13	12	5	8	
Connecticut. Whole No.	134	167	189	204	198	64	
Committed	66	73	54	57	57	9	
	From 1831	1832	1834	1837			
Sing Sing N. Y. Whole No.	875	906	827	753		122	
Committed	338	289	258	261		76	

The table is not complete in all the Five States, from lack of returns, and the last year in Massachusetts is taken from verbal testimony, but the result, by any mode of comparison, gives a decidedly worse exhibit for Massachusetts, with her temperance laws, than either of the other States without them. In every other State the commitments have decreased. In this State they have alone increased 35, while the whole number is not diminished, though it has done so in every other State but New Hampshire.

What then becomes of the argument that the state of Crime among us demands Temperance force laws?

PAUPERISM.

Ninth. But the great argument for the Act when we began this investigation, was pauperism and intemperance. The opening Counsel for the Remonstrants exclaimed " the statistics on crime and pauperism are overwhelming!" And so indeed he will find them, but not on his side of the question.

We did not desire to detain the Committee on the evils of intemperance, or its effects on crime and pauperism. Supposing there must be some truth in statements made so confidently, we tendered a general cognorit, and offered to make up the issue upon the merits of the Act of 1838. They refused, and insisted upon proving what we had not denied. The inquiry has been forced upon us, and we will meet it with facts and figures that cannot be questioned.

We deny totally that pauperism is increased by licensing, and diminished by prohibition; and if there be truth in official returns, and the oaths of town officers, we will demonstrate the direct reverse of that proposition.

We put into the case, as the best possible evidence, the " abstracts of the returns of the Overseers of the Poor," in the towns in the State, from 1835 to 1838 inclusive.

The returns of 1835 and 1836, were made under an order of the House alone, in 1833, requiring the name and circumstances of each individual pauper. There are 306 towns in the State, and this number of Boards of Overseers are to make their separate returns to the Secretary of State, which precludes all possibility of concert between them, and would seem to insure the truth, if there can be truth in statistics. The Secretary makes an abstract, by Counties, from these town returns, and these abstracts are the authority we rely on in this statement.

In 1835—164 towns made detailed returns. Whole expenditures of paupers in the Commonwealth for that year, $239,476, or $392, to every 1000 inhabitants.

In 1836—204 towns made returns. The whole amount of expenses in the State is not given.

In 1837, and 1838—returns were made under an act of April 18, 1836, requiring the Overseers to make correct returns, under a penalty of $100. The question as to intemperance, was precisely the same in both years.

In 1837—returns were made from 289 towns—all but 16 of the small country towns. Total expenses $306,548.

In 1838—returns were made from 299 towns—all but seven in the State. Expenses, $325,087—which is $437 to every 1000 inhabitants. Increase since 1835, $45 to every 1000 inhabitants. The returns of these towns last year, are made under precisely the same specifications, and those of the two previous years correspond as far as the towns are given, so that taking the same towns, a parrallel comparison can be carried through the whole period.

There is an apparent discrepancy in the returns for the City of Boston. (Suffolk,) in 1837 and 1838. No return of the out door poor was made till 1837. The same question was put to the Overseers in 1837 and 1838, to which they gave the same answer, as to intemperance, viz: "Three fourths of those in the Alms House; of the out door poor *a much less proportion.*"

This is as definite as the description by a witness of the size of a stone which knocked a man down, "about as big as a piece of chalk!" In the Alms House estimate, it may possibly approximate to truth, though unquestionably greatly exagerated, and most unjust to the unfortunate poor. But as to those assisted *out* of the Alms House, it is a mere wanton *guess*, and means nothing, I therefore throw it aside in both years, as giving no information whatever, and take only the estimate of the poor in the Alms House. The Secretary of State, Mr. Bigelow, has very properly pursued this cause this year, (1838) in the abstract. Last year, (1837) Mr. Frothingham, one of the Clerks in the Office, who made up the abstract, took three fourths in the Boston Alms House 1082, and then at a mere *guess*, added *one half* of those assisted out of the Alms House, 918, making a lumping total of 2000. In this way are the unfortunate poor slandered by the wholesale guesses of temperance reformers; too indolent, or self sufficient to investigate the truth; and upon these loose libels on the poor is founded the chief pretence for this *Sumptuary Act* to restrain their appetites, and restrict their rights, in order to save from a pauper tax the pockets of the rich man who may freely indulge in his luxuries.*

The comparison is therefore properly made, as to Suffolk, upon the Alms House report for 1837 and 1838. With these explanations, we submit the following tables, prepared, and compared with great care, and the accuracy of which, Mr. H. said he had tested in their preparation, with the utmost precision practicable.†

The Counties in which Licenses have been withheld from 1833—4, and which we designate *the prohibitory Counties*, are Norfolk, Bristol, Plymouth, Barnstable, Nantucket, Dukes, Essex, and Hampshire—8 Counties. The other six Counties, with a much larger population, and much more exposed, as a whole, to foreigners and other causes of pauperism, are Suffolk, Middlesex, Worcester, Franklin, Hampden and Berkshire. These we designate as the regulating Counties.

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* The Secretary has corrected the error as to Boston, this year, and in a note says, "The abstract includes for Boston only 1088, the same being "three fourths of those in the Alms [illegible]." The Secretary having no means of estimating with precision the proportion of the out door poor."

† The tables were submitted to the committee and compared by them for a fortnight, with the official returns, and no error was detected in them.

PAUPERISM. TABLE No. 1.

Comparison of Pauper Returns from 1835 *to* 1839, *of all the towns in five prohibatory Counties, from which returns were made in* 1835, *N. B. The returns for* 1835, 1837, *and* 1838, *are from the same towns in each County. The retnrns for* 1836 *are imperfect, and do not embrace the same towns.*

Norfolk County, 16 *Towns.**

Year	No of Towns	No of Paupers	Intemperate	Not stated	Expense	Whole Population of the Towns
1835	16 out of 22	392	86	120	$7,534	28,838
1836	19 out of 22	411	131	139	13,155	36,954
1837	16 out of 22	568	209		12,686	28,838
1838	16 out of 22	633	262		14,942	28,838

* In 17 towns in Norfolk in 1833, there were, 343 Paupers, 106 Intemperate: showing an increase ever since prohibition began.

Bristol County, 15 *Towns.*

Year	No of Towns	No of Paupers	Intemperate	Not stated	Expense	Population
1835	15 out of 19	430	126	113	10,664	35,238
1836	12 out of 19	396	158		10,225	31,822
1837	15 out of 19	854	523		20,659	35,238
1838	15 out of 19	915	614		20,022	35,238

Plymouth County, 17 *Towns.*

Year	No of Towns	No of Paupers	Intemperate	Not stated	Expense	Pop. in 17 Towns
1835	17 out of 21	361	88	51	9,814	36,646
1836	Same towns	344	72	60	12,319	36,646
1837	Same towns	544	174		15,478	36,646
1838	Same towns	572	261		16,760	36,646

Essex County, 17 *Towns.*

Year	No of Towns	No of Paupers	Intemperate	Not stated	Expense	Population
1835	17 out of 26	536	153	99	14,029	41,539
1836	Same	518	177	54	13,026	Same
1837	Same	951	443		22,737	Same
1838	Same	968	502		23,707	Same

Not including Salem in 1836.

Hampshire County, 17 *Towns.*

Year	No of Towns	No of Paupers	Intemperate	Not stated	Expense	Population
1835	17 out of 23	230	67	30	5,051	23,247
1836	14 out of 23 not corresponding	172	14	17	3,762	20,059
1837	17 out of 23	362	185		8,928	23,247
1838	17 out of 23	380	127		9,505	23,247

PAUPERISM. TABLE No. 2.

Comparison of Pauper Returns for 1837 *and* 1838, *between Eight Counties, in Six of which prohibition has been entire for four years, (and in two all but taverns, viz. Essex amd Hampshire,) and Six Counties where there has been no prohibition.*

The Eight Prohibitory Counties.

Counties	Increase of Poor	Decrease of Poor	Increase of Intemp'rance	Decrease of Intemp'rance	Increase of Foreigners	Decrease of Foreigners	Increase of Expense	Decrease of Expense	Population
Norf'lk	9		64			57	$1,992		
Bristol	117		63		24		543		Aggregate Population in 1830 286,610
Plymouth	49		90		Same		1,896		
Barnstable	13		23		2		274		
Nantucket	69		8		2		500		
Dukes	Same		Same				18		Aggregate Population in 1837 322,848
Hampshire	13			53		8	757		
Essex	191		250			20	5,144		
Totals	461		498	53	28	85	11,124		

The Six Regulating Counties.

Counties	Increase of Poor	Decrease of Poor	Increase of Intemperate	Decrease of Intemperate	Increase of Foreigners	Decrease of Foreigners	Increase of Expense	Decrease of Expense	Population
Suffolk	331			15	380			$177	
Middlesex	15			190	65		2,308		Aggregate Population in 1830 342,142
Worcester	35		38		18		3,205		
Hampden	51		20			12	2,257		
Berkshire	29		23		13		1,450		In 1837 378,483
Franklin		2	37	37	2			1,631	
Totals	511	2	81	242	478	12	10,220	1,808	

Showing the results in *favor* of the *Regulating* Counties, viz: Greater increase of Poor 48; decrease of Intemperate Poor 161; increase of Foreign Poor 615; increase of Expenses $8,412.

In the *Prohibiting* Counties, increase of Poor 461; of Intemperates 445; decrease of Foreign Poor 57; increase of Expenses $11,124.

Remarks. Relative nett gain in the *Regulating*, over the *Prohibiting* Counties, (notwithstanding a large increase of foreign poor in the former, and decrease in the latter, exceeding by 104 the whole increase of poor in the former,) viz: nett gain in intemperate poor 606; in expense $2712.

The comparison is the more striking from the fact that the population in the six Regulating Counties which show the best results as to pauperism and intemperance, was greater in 1830 than in the Prohibiting Counties by 55,532, and in 1837 by 55,535. That excess of population if added to the Prohibiting Counties, would, in the some proportion, add 86 intemperate poor, making their number, with the same population as the six Regulating Counties. 531 actual increase, and a nett relative increase of 682.

If Salem is deducted from Essex, it only varies the result 25 less paupers, 22 less intemperate, 5 less decrease of foreigners, and $400 less expense. Essex would then stand 166 increase poor, 228 increase intemper-

ate, and $4774 increase expenses; and Middlesex 15 increase poor, 190 decrease intemperate, and $2308 increase expenses.

The comparison between Essex and Middlesex is a most conclusive demonstration of the effects of the two policies. Essex has been the field of District Attorney Huntington's zealous labors. Bishop Laud never persecuted the conventiclers more furiously than that officer has the retailers in Essex. He there reigns supremely in Courts and over juries, and convicts whom he will. He has driven this process for six years, while Middlesex and her juries have been unawed by his official power, and that county has licensed and sold freely. What is the result in both these agricultural counties?

Essex has 93,000 population, Middlesex 98,000.

Essex has Salem and Newburyport, Middlesex, Lowell and Charlestown.

Essex has had a decrease of 20 foreigners to relieve her pauperism, Middlesex has had an increase of 65 foreigners to add to her pauperism, with the constant source of this increase, the shifting manufacturing population of Lowell and other like places, to operate on her pauperism. And yet Middlesex exhibits 151 less increase of poor, 190 decrease to 228 increase in Essex of intemperate poor, and $2466 less expense in the support of the poor.

No returns of overseers, who are for or against licensing, can affect these aggregates, as to whole numbers and whole expense. The result can only be traced to the operation of the two systems of regulation and prohibition.

The like result is shown as to crime. In three years, from 1835 to 1239, Essex has sent to her prisons 1211 criminals. In the same period, Middlesex but 945. Gain 257. Both counties have the same prosecuting officer.

PAUPERISM. TABLE No. 3.

Comparison of Pauperism and Intemperance, between the years 1837 *and* 1838. *Full Returns, and complete from all the Counties.*

Counties	Whole No of Poor in 1837	Whole No of Poor in 1838	Intemperate in 1837	Intemperate in 1838	Foreigners in 1837	Foreigners in 1838	Expenses in 1837	Expenses in 1838
Suffolk	3,294	3,675	1,087	1,072	1,304	1,684	42,913	42,736
Essex	2,421	2,612	1,611	1,861	190	171	53,328	58,469
Middlesex	2,284	2,099	1,358	1,168	768	833	53,518	55,826
Worcester	1,360	1,395	519	557	136	154	31,5 8	34,713
Hampshire	428	441	202	149	44	36	10,681	11,438
Hampden	346	397	135	160	23	35	7,621	9,878
Franklin	435	433	129	92	2	4	11,233	9,602
Berkshire	539	568	227	150	21	34	11,0 2	12,452
Norfolk	800	809	297	361	144	87	17,809	19,751
Bristol	1,310	1,4 7	866	929	201	225	27,763	28,306
Plymouth	636	685	201	291	35	35	17,6 8	19,514
Barnstable	307	321	58	81	1	3	12,588	12,862
Dukes 3 towns	41	41	4	4			2,302	2,320
Nantucket	98	167	79	87	1	10	6,720	7,229
Totals in 305 Towns	14,499	15,069	6,673	6,962	2,870	3,290	316,541	325,087

Note. In 1835 the Commissioners on Pauperism estimated the whole expense in the Commonwealth $239,476.

In 1835, Governor Davis, in his message, called the attention of the Legislature to the fact that pauperism was on the increase.

Mr. Artemas Simmons, of the Boston Almshouse, says: "The pauper expenses are *twice as great* in Massachusetts, in proportion to population,

as in New-York, where returns are made annually, by counties." What is the plain inference? The pauper expenses were never seriously complained of as increasing in this State, till the force temperance laws began to operate. Under that process they have become *double* the like expenses in New-York, which has a vastly less moral and industrious population, as a whole, with immensely more foreigners and vagrants, and without a single force temperance law!

PAUPERISM. TABLE No. 4.

Comparison of Aggregates for the State, in 1837 *and* 1838

	Whole No of Paupers	Intemperate	Foreigners	Expenses
In 1838	15,069	6,962	3,290	325,087
In 1837	14,099	6,673	2,870	306,548
Difference against 1838	970	289	420	$18,439

Decrease of expense in Suffolk and Franklin, $1,808
Increase in all the other Counties, $20,537

☞ The only towns in the State which have not a single pauper, are Erving and Munroe, in Franklin County; one of the most temperate counties, and the most opposed to this act of any in the State.

Plymouth is the only county from which full returns have been made for three years.

PAUPERISM. TABLE No. 5.

The Result in Plymouth for three years.

1 County 3 years	Whole No Poor 1836	Do 1837	Do 1838	Intem 1836	Do 1837	Do 1838	Foreign 1836	Do 1837	Do 1838	Exp's 1836	Do 1837	Do 1838
Plymouth	390	636	685	80*	201	291	19	35	35	14,995	17,618	19,514
Increase from 1836 to 1839		295			211			16			$4,519	

*Not stated.

This is one of the most rigid prohibitory Counties, and yet how unfavorable the result.

PAUPERISM. TABLE No. 6.

Boston Alms House.

Year	Whole No of Poor	Intemperate	No of Licenses
1835	1,476	1,107	300
1836	1,270	825	385
1837	1,443	1,083	360
1838	1,424	1,063	403

Showing in the city, were there were most licenses and freest sale, a decrease since 1835 of 52 poor in the Alms House; a decrease of 39 intemperates; an increase of but $353 in expenses; and an increase of 108 licenses. And all this improvement against an increase of 380 foreigners.

These are the general aggregates, by State and County estimates, and I ask you, Gentlemen of the Committee, if, with your preconceived notions on this subject, derived from the loose and hitherto unquestioned statistics of the moral reform agents, you are not prepared to say with one of these

agents who opened the reply, that "the Statistics on Pauperism are indeed overwhelming!"

But I have not, said Mr. H. relied merely on aggregates. I have run out the minutest details; applied it to towns, and especially to every town held up here, as having *improved* in pauperism by refusing licenses. The result is uniformly the same as is here demonstrated.

PAUPERISM. TABLE No. 7.

Comparison of Pauperism and Intemperance, in Towns respecting which evidence has been given to the Committee.

	1835		1836		1837		1838					
Towns.	Whole Paupers.	Intem.	Whole.	Intem.	Whole.	Intem.	Whole.	Intem.	Expense 1835.	Do 1836.	Do 1837.	Do. 1838.
Randolph,	24	4	27	2	65	33	92	61	$1,032	1,354	1,730	1,833
Foxborough,	11	1	12	2	24	10	37	10	657	739	1,010	631
Dorchester,	No return	No ret'n	31	12	55	37	45	30		2,259	1,078	1,500
Braintree,	No return	No ret'n	No ret'n	No ret'n	20	2	19	4			900	850
Milton,	21	11	19	10	20	8	31	20	Not stated	Not stated		
Tisbury,	No return	No ret'n	No ret'n	No ret'n	18	0	17	0			842	900
Amesbury,	27	14	29	4	45	34	48	36	1,100	1,031	1,500	1,608
Bradford,	18	1	12	1	17	5	25	5	570	450	675	625
Beverly,	45	23	81	30	95*	71	82	61	1,200	1,200	1,669	1,716
Salem,	No return	No ret'n	290	186	555	500	580	522		9,900	9,400	9,800
Newburyport,	do	do	No ret'n	No ret'n	290	200	289	210			6,225	6,625
Lynn,	do	do	do	do	177	162	185	175				
Charlestown,	do	do	do	do	351	307	358	159			10,000	12,000
New-Bedford,	161	70	117	56	338	296	386	320		3,000	5,242	5,450
Middleborough,	52	11	45	8	49	17	56	18	1,078	1,071	1,254	1,300
Sandwich,	18	3	22	5	28	6	48	17	850	1,150	1,200	1,200
Plymouth,	26	9	29	9	56	14	67	21	1,476	1,500	2,500	2,488
Gloucester,	No return	No ret'n	81	20	143	86	139	91				
Quincy,	No return	No ret'n	23	11	38	20	33	25				
Northampton,	74	39	70	34	121	93	105	20	500	1,229	1,500	1,600
Roxbury,	100	47	93	49	112	45	97	20	Not given	Not given	1,375	1,325
Taunton,	No return	No ret'n	No ret'n	No ret'n	350	306	365	274			4,162	4,315
Lynn,	No return	do	do	do	177	162	185	175			5,503	7,600
Brighton,	No return	do	do	do	10	1	6	1			745	600
Barnstable,	29	9	24	3	50	9	44	3	1,240	950	1,500	1,800
Hingham,	40	18	41	17	63	23	66	26	1,209	1,445	1,670	1,778
Scituate,	48	23	45	13	77	24	80	60	800	800	1,100	1,567
Abington,	20	12	15	9	34	30	50	41	602	651	798	900

*16 Foreign.

The same results follow from 35 towns, taken promiscuously, all over the state. The figures show that in the towns where licenses have been hardest contended against, and prosecutions most persevering, there is a relative increase of the *whole number* of poor, and the expenses of their support, with a corresponding increase of intemperates. The reverse will be very generally found, on comparison, in the licensing towns. Can this be accidental.

On which side then is the pauper argument? It is enough for us to show a doubt as to the beneficial effects of this Act upon pauperism. The other side is bound to prove it. They fail, and we demonstrate the negative of the main position on which the whole pretence for the continuance of this Act rests.

Should it be attempted to obviate the effect of this perfectly astounding disclosure, as to the years preceeding 1837, from the fact that before that time the poor were classed as temperate and intemperate, not including wives and children of intemperate persons; the answer is, that there was another large column in those years, under the head of "not stated;" and even if all these were added to the intemperates, an increase of pauperism and intemperance would still be shown in the prohibiting counties.

But the same rule must apply to regulating as well as prohibiting Counties, and this supposed increase, by adding women and children, is no answer as to the comparatively greater increase of paupers and of intemperate paupers, in the prohibiting Counties. Neither does it touch the fact of the increase of the whole number, and of the expenses of paupers, nor in any way apply to the comparative returns of 1837 and 1838.

Another important fact comes in. There is an increase of nearly 1000 paupers in 1837 over 1839; and yet 1837 was the year of pressure and distress, when labor was driven from its means of support; but in 1838, business revived, and the able bodied who had sought refuge in the Alms House, or been aided by the overseers, were again able to provide for themselves. Consequently there would be less poor supported in 1838, growing out of the depression of business and labor, than in 1837.*

So far then as the pauper argument is concerned, if refusing licenses is the test of Temperance it would be easier from actual statistics to show that *Temperance* increases pauperism, than that Intemperance produces that effect. The result is wholly unexpected, and yet it is soundly philosophical. There is something at the bottom which those who have reasoned on the surface have overlooked. It is a law of human nature, higher than all human laws. Force produces re-action. The class of men most liable to pauperism, but who can sustain themselves by labor under ordinary circumstances, will be the more eager to procure their accustomed indulgence, the more severe the laws are against it; and as secret indulgence is always more seducing than open, they will drink the more, the more the laws are made to restrain them. This operation of all sumptuary laws may be set down as an axiom in political economy.

In addition to these statistics which demonstrate that the Legislature has no ground for maintaining the force Act of 1838, upon the pauper argument; the evidence before the Committee, the increased importation in Boston, and the enormous sales to counties where prohibition has prevailed; all tend to the same point.

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* After this demonstration, Mr. Walcott attempted to get round it by hinting that in the prohibitory counties, the Overseers must have *exagerated!* If he is content with an argument which proves that the supporters of the Act will prevaricate to sustain it, and that the statistics of intemperance have been *over-stated*, for the "pious fraud" of deceiving the public, as to the truth of the matter; he is welcome to all the advantages he can derive from such gross jesuitism.

The Committee rejected the evidence as to the sales in Boston to be sent to Bristol and other counties, but the remonstrants gave as a witness, Captain Taber, who more than proved our rejected facts. He swears positively to 1216 barrels, or 48,640 gallons, which he freighted from Boston to New Bedford, in 1838. He admits another packet carried one fourth as much, which makes 60,800 gallons, besides what was sent by transient vessels; by land, and also in casks marked as wine and vinegar. The aggregate thus proved must exceed the 79,000 gallons shown by the books of merchants of Boston to have been sent to Bristol.

The result is, that this pattern Temperance County, with its law of prohibition, has in one year, consumed in a population of 58,152 * upwards of 79,000 gallons of spirits, which is *five quarts and one pint* to every man, woman, and child in the county.

Plymouth, another pattern county, with 46,253 * population, has also consumed 31,000 gallons, received from Boston alone, which is over *five pints* for every mouth in the county!

Nantucket, with 9048 population, has had 14,000 gallons from Boston, equal to *six quarts*, for every mouth in that county! And by the showing of the remonstrants' witness, (Mr. Bacon,) the town of Sandwich with 3579 souls, where he undertook to testify that none was used but by those *beyond moral means*, has consumed, in less than half a year, 2640 gallons, which is over *five pints* to each inhabitant. What a wide calculation in this witness! for either most of his townsmen are "beyond moral influence," or a few drink beyond all account! Both views are incorrect. There is no more moral community in the State, than that of Sandwich.

These facts will serve to show how little reliance is to be placed on the guesses of witnesses as to the diminution in the prohibiting counties; while the pauper argument has been directly reversed, and proves conclusively, either that the free sale does not increase intemperance, or that there is more consumed to make paupers, in the prohibiting than in the licensing counties.

The extent to which the zeal of some men will carry them against facts, was remarkably illustrated, by Dr. Alden, *of Randolph*, who most confidently testified that pauperism had decreased in his town, because drinking had; when the returns of the Overseers, for four years, exhibited exactly the reverse. Let that respectable witness learn to be less confident, in future, if he loves truth as well as temperance.

Judge Leland, who presented himself as a sort of Napolean, prepared to "*subdue the dealers*" in a campaign of eighteen months, was equally unfortunate. He declared that Foxborough was an example for any town in the Commonwealth, and there was no sale there. Yet in that pattern town, pauperism and intemperance have increased, while in *Dorchester* and *Quincy*, which Mr. Leland specified as places of free sale, pauperism has decreased. *Roxbury*, with all the facilities of Boston, of which it is virtually the suburbs, is the only town named in Norfolk, where pauperism has diminished.

The District Attorney, Mr. Huntington, was equally unfortunate and incorrect in his estimates. His pattern towns in Essex, have increased their pauperism much more than the towns he reprobates as still selling; and the town which of all others he selected to test the pauper argument, *(Beverly,)* makes one of the worst exhibits in the whole official returns to the Secretary!

Tenth. The remonstrants further contend that Alcohol is the great obstacle to all moral reforms, and therefore they must have this force Act to compel those whom they cannot persuade.

* Census of 1837.

We prove that if it be so, this Act will but increase the obstacle. But we also maintain that if this Act is to be pushed, there will be found in active ferment, a worse than physical alcohol to stimulate excited men to unjust and injurious acts,—the alcohol of bigotry and misdirected zeal!

Dr. Johnson has described the mad philosopher in Rasselas, as really believing that he controlled the physical elements. The gentleman who opened this cause for the remonstrants, (Mr. Crosby,) most complacently represented himself at the head of his Society, as controlling all the *moral* elements!

"*We* must *contrive* to make the world *better!*" he exclaimed. "These great benevolent operations are under the direction of different Societies who are appointed to carry them forward, and *we* MUST HAVE a virtuous community." Meaning, no doubt, "peaceably if they can but forcibly if they must!"

If they *must* have it, of course they *must have* force laws to compel men to come into their creeds; and thus, in effect, we are told, that the moral reform associations claim to be a political power in the State, the supreme lawgivers upon men's beliefs and appetites, and the great moral regulator! This is in fact the political struggle now going on; whether these irresponsible Societies or the people shall control the Legislature.

This is seen in the secret movements of Temperance Societies and Conventions; an extraneous power, which has directly interfered in political action, and brought about and sustained this law, by a systematic course of dictation and intimidation, to operate upon the Legislature.

When before did Conventions assemble in the Capital, simultaneously with the Legislature, and pass resolves in relation to a measure before that body, denouncing all who should oppose that measure as recreant to their oaths and to virtue! Such was the political action of the temperance Convention of last year which got up this obnoxious Act, and such has been their course at this session, to force the Legislature up to sustaining the law. A high public officer, the District Attorney of Essex, was the instrument used to denounce all men in the Legislature who should not come up to the standard of the new creed in voluntary morals; and he comes here as a witness to enforce the instructions of the Convention upon the Legislature: a Convention, Mr. Chairman, of professing Christian men, who did not hesitate to pass a vote of censure upon the author of Christianity himself! for they impiously declared that it was *immoral* to manufacture or sell intoxicating liquor to be drank; when they knew that the first miracle of the Saviour was to make intoxicating liquor out of water, to be drank at a feast!*

Neither did the Saviour seek to promote one good alone, as do the modern moral reformers who absorb all other benevolent objects in this war upon alcohol, in particular forms, and when used by particular classes of men. The purest moral reformer the world ever saw, went about

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* It was said of the Pharisees of old, by him who spake as never man spake,—"The Son of Man came eating and drinking, and ye say of Him, behold a gluttonous man, and a *wine-bibber*, a friend of *publicans* and sinners; but wisdom is justified of her children."

The modern Pharisees, who thank God that they are better than other men, (because they drink wine and try to enforce a law to prevent a laboring man tasting gin,) need not lay the flattering unction to their souls, that they swallow no alcohol. A letter from a French House, who had been applied to by a Boston firm to send some pure wine, the freest possible from alcohol, was laid before the Committee, in which was this statement:

"We have not altered the prices of our Spanish wines, (three grape and two grape.) The only difference between the two qualities is, that the first was *reinforced* with *ten gallons oil proof brandy per pipe*, and the second with *only six gallons*."

doing good to all and denouncing none but hypocrites; inculcating the doctrine of encouraging all the virtues, but above all, *charity*, and not persecution. It is this makes the perfect man. Contemplating but one vice and studying but one virtue, makes the bigot.

Lastly, The supporters of this Act maintain it must not be repealed, because the *women* are for it. This statement is deceptive. The women, as they ought to be, are for *temperance*. Without looking into the merits of a particular law, they desire to secure that *end*, and leave the *means* beyond moral influence, to the men, who as yet make the laws. Hence the thirty thousand females who have signed memorials for the law, are merely *duplicates* of the signatures of their husbands, fathers, and sons.

I am pleased with this expression of their opinion, and I honor their motives. They ask the Legislature to suppress intemperance, if it can. They do not mean to ask for an unjust and arbitrary law to favor the rich and restrict the poor, and the effect of which will be to increase intemperance. They are sincere, but they are deceived.

I warn these men, said Mr. H., who have dragged their women and children into this party conflict about laws, that if this Act be persisted in, the time will come when some of these women will upbraid them for the ruin of fathers, husbands, brothers, sons, brought about by the increased intemperance, of which this contest and this law will be the cause.

I rejoice, said Mr. H., that there is not a female signature against this Act. I am glad that the memorialists have not brought in their women and children, who might have trebled the names on that side.

In view of the whole investigation, then, what is the conclusion for fair minds to arrive at? Should a doubtful experiment be persisted in on a false, abstract theory, to sustain the new doctrine of prohibition; or should the settled maxim be again resorted to, that so long as the article and the appetite exist among us, wholesome regulation by law, and moral influences, are the only true promoters of temperance?

Would it not then, be the part of wisdom, of magnanimity, to admit the error of this hasty step in legislation? to retrace that step; to go back to wholesome regulation, and there remain, until an united community demand a change, or the evil ceases to exist, by common consent, which will be higher than all law.

This Act, if continued in existence, must be enforced, or openly violated. It can never be enforced, or if at all, only by a constant and bitter conflict. It cannot be violated, without doing more injury than would regulation and license. May not the memorialists, then, confidently hope, that the Committee and the Legislature, before insisting upon sustaining this Act, will carefully deliberate, and wisely count the cost?

February 19.

The sitting of the Committee was occupied by the closing argument of Peleg Sprague, Esq., for the remonstrants, which has been published in pamphlet. The 20th was occupied by Franklin Dexter, Esq., in closing for the memorialists, which terminated the public hearing.

MR. DEXTER'S

CLOSING ARGUMENT FOR THE MEMORIAL.

Mr. Chairman. By far the greater part of your time has been taken up by the Remonstrants, in stating the evils of which Intemperance is the cause. It was early announced to them by the memorialists, that upon this point there would be no controversy. But it really seems as if it were the design of the Remonstrants to drive them to this, as the battle-ground, by the extravagance of their statements. But the memoralists will not thus be diverted from their object. The question they have submitted to the Committee is simply whether this particular law involving a new principle of legislation is an expedient measure for the restraint of Intemperance. They will not, by entering into a controversy as to the extent of the evil, give their opponents the advantage of assuming to themselves the name of the Temperance party—a name which indicates a division such as does not exist in the Commonwealth.

But though this matter may pass without dispute, it is impossible not to notice the other proceedings of the Remonstrants, which seem to have been directed rather to excite than to enlighten the minds of the committee and of the public. I may safely say, that upon no other occasion has a committee of this Legislature heard such violent denunciation of individuals, and personal abuse as has been poured out upon the most respectable of these memoralists by one of the opening counsel for the Remonstrants. If the individual who used this language were an unaccredited volunteer in this cause, his want of decency would be unworthy of remark, but whatever be his own claims to consideration, he has stood here for hours, the acknowledged counsel and advocate of the Remonstrants, and his ribaldry has drawn out neither rebuke nor apology from those for whom he spake. Really, sir, it seems as if the memoralists were to be driven from the exercise of their mere constitutional right of petition by the fear of personal injury. Upon the simple question whether a particular law designed to promote a cause, of which they profess themselves to be friends, is or is not an expedient and constitutional exercise of power by the Legislature, the memoralists are not permitted to state in the most respectful terms their wishes and reasons without being assailed with opprobrious epithets and accusations. The memoralists come here in the most unexceptionable manner: they put forth in print the grounds of their petition, and they employ counsel to enforce them, who certainly cannot be accused of having uttered a single personal remark, or made a single appeal to popular feeling. They come here calling themselves friends of temperance, and as such, asking for a repeal of this law because they think it a violation of the rights of individuals and dangerous to the common cause—and they are met by those who differ from them in their opinions, with derision and insult. Their pretensions to what they solemnly assert to be their principles, are fiercely denied and derided; they are insulted in this crowded Hall, by the most false and abusive

accusations. The privacy of domestic life is invaded, and even the sanctity of the grave is not respected. The living—the honored and venerable living, whom it has pleased Heaven to try with affliction, have been taunted with the infirmities of age; and the dead who had lived a century unreproached, and who might have passed into Heaven almost without a change, has been stigmatized as but a later victim to intemperance. Of these memoralists, the poor are sneered at because they cannot write well enough to please the taste of the counsel, and the rich are ridiculed for their pretensions of caring for the poor—Sir, was a great moral reform ever accomplished by such means?

But not only have the Remonstrants attempted thus to excite popular indignation against the memoralists, but the most extraordinary measures have been adopted to apply an external influence to the deliberations of this Committee. We have seen three Temperance conventions held in the city during this hearing—held not in the regular course of the respectable societies that meet periodically on this subject, but specially called for the purpose of operating upon the decision of this Committee.

Sir, I beg the committee, I beg the respectable portion of my opponents to consider how fatal is this sort of influence to freedom of debate and decision in a Legislature. The Jacobin Clubs of Paris were not more purely revolutionary in their character, whatever may have been the difference in their objects than these attempts to overawe the Legislature by strong exhibitions of popular feeling. I cannot but fear as well as deprecate the effect of such measures. I cannot compliment this committee by pretending to think them superior to their influence—no popular body can be superior to it. The strong voice of a multitude will alarm some and persuade others —The voice of a mob is easily mistaken for the voice of the people—and whatever may be the personal respectability of these individuals, or the purity of their motives—they are acting the part of a mob when they meet in such associations and anticipate in the language of vehement denunciation and resolutions the decision of this question. It is the spirit of a mob to oppose the force of numbers and of noise to that of reason. Sir, this Hall is open for all they and their Counsel have to say in favor of this law—Here the question is to be decided and here it ought to be heard and here alone. Your committee have listened with unexampled patience to all their evidence and arguments relevant and irrelevant. If they choose to be heard elsewhere and before assembled multitudes while this question is pending, what is it but invoking popular excitement to overwhelm the Committee? Why do they call great meetings together to resolve upon that which you alone can decide! Sir, it is excitement that they seek—it is agitation—and for one, Sir, I do not believe in deciding great moral or political questions by excitement and agitation. I believe it may be accomplished, but I do not believe in its usefulness or propriety.

But, sir, let us come to the real question before the Committee. Is this particular law an expedient measure for the restraint of intemperance? The Memorialists ask for its repeal upon two grounds: because it is unconstitutional, because it is inexpedient. Upon the first of these grounds, I shall not farther occupy the time of the Committee; the argument has been fully and ably stated and needs not to be repeated. The consideration, of this question, belongs more particularly to a judicial tribunal, after a law has once been passed, and I shall not pursue it further. But I will briefly state to the Committee what is more proper for their consideration, that granting the power of the Legislature to pass the law, it cannot consistently with the settled construction of the Constitution, be carrried into effect against the importer of ardent spirits,

and that thus limited in its operation it will be quite ineffectual for its purposes.

The power to regulate commerce has been repeatedly decided to be exclusively vested in Congress; it belongs wholly to Congress and not at all to the States. In the case of Brown vs Maryland, a law of that State was held to be void because it attempted to impose a tax on sales of imported merchandize by the importer. The power to tax, say the Court, implies the power to lay a prohibitory tax, and to prohibit the importer from selling, would be prohibiting the importation, and that would be an attempt to regulate commerce, which no State can do directly or indirectly. Now this was the case of a tax on the wholesale dealer, and the direct decision of the Court went no farther than the necessity of the case required. The question will now arise whether the same reasons do not prevent the States from prohibiting the importer from retailing the imported article: when the Court was in that case pressed by the argument that the construction adopted would prevent the states from regulating the internal trade of their own territory and from raising taxes upon the property of its citizens, the answer was, that when the importer had mixed up his goods with the mass of the property of the State, they then became subject to taxation and regulation by the State—and as an answer to a particular argument, it was stated that this would be the case if the importer should *break up his packages*, and travel about with them as an itinerant pedlar—but no where is it stated by the Court, that by the mere breaking up of the packages, the importer's privilege is destroyed. It being then settled that the States cannot prohibit the wholesale of goods by the importer, because that would be a virtual prohibition of importing, how is the retail sale by the importer to be distinguished and made subject to the power of the State? Suppose a law were passed in express terms, prohibiting all importers from selling any goods by retail, can any one believe after the decision of the case of Brown and Maryland, and in view of the reasons of that decision that such a law would be constitutional? If as the Court says, the power to import implies the power to sell, does it imply only the power to sell by wholesale? What ground is there for this distinction? A prohibition of the wholesale trade would not necessarily and totally preclude importation, because the importer could still retail—and so a prohibition of the retail trade would still leave the power of selling by wholesale, but the principle is that the mporter shall not be prohibited from selling his goodsAs to the time and manner of sale, he is subject to all wholesome laws of regulation, but no law of prohibition can be applied to him; to prohibit retailing is as much of an encroachment upon his privilege of sale, as to prohibit the wholesale; either can be carried on without the other, but both are so far necessary to the freedom of commerce, that the State can no more prohibit one than the other. The true principle of the decision is found in these words—" when the imported article becomes mixed with the common mass of property in the State, then it becomes subject to State laws." Now when does imported merchandize become mixed with the mass of other property? Not surely by merely opening the casks or boxes—it is still as distinctly the imported article as before. You cannot prohibit the importer from selling a box of sugar, you cannot tax him for the right to sell it. Now suppose he opens the box and sells the sugar by the pound from the box, can you prohibit him from doing that? Has he by opening his box, without removing the contents, " mixed them up with the mass of the property in the State?" Surely it is as distinctly the imported article, though half of the sugar may have been taken out. If the power to import implies the power to sell, why

may he not sell it in parts as well as in the whole? Or suppose the importer of a 15 gallon cask of brandy puts a spigot into the bottom of it and draws off the brandy for sale by the pint; has this liquor that has never seen the light, been by the mere insertion of the tap, mixed up with the property of the State? or is the pint that is drawn out for his customer, so mixed up by being drawn out from the cask that he cannot sell it? It is plain that no such sophistry was intended to be used by the Court. The true principle of the case is, that the importer has acquired by the act of importing, a personal privilege to sell; he acquires under the act of Congress a paramount right to sell, subject to regulation, but not to prohibition by the State. What then is prohibition and what is regulation? Requiring a license and a tax, was held in that case to be virtually a prohibition, and not a regulation merely, because all were permitted to sell, but subject to a tax which might be increased until it amounted to a prohibition. But any state law which is fairly a law of mere regulation, like the old license law, may be applied as well to the importer, as to the purchaser from him. The State has never parted with its right to regulate its own internal trade, but it has completely surrendered all power of regulating external commerce. It may therefore prescribe what rules it sees fit for the mode of conducting sales, as well by the importer as others, but it cannot prohibit or limit his right to sell that which the law of the United States gives him a right to import for sale. It may not always be very easy to distinguish the cases—because regulation may be made so strict as to amount to prohibition, but when a law is avowedly prohibitory in its object and intent, it is plain that it cannot be applied to the importer.

Now the law under consideration is most unquestionably a prohibitory act. It contains a new and odious feature not to be found in any of the former laws, for it in terms, and absolutely prohibits the retail trade in spirit for drink. It prohibits it to all and under all circumstances. Upon this point indeed our adversaries are not agreed among themselves. One claimed this novelty as a great merit in the law, and the other as strenuously denied it. We take no admission on this point, there is no need of it. The former laws distinctly permitted certain licensed persons to sell spirit at retail for drink, this law prohibits any and all persons from so doing. There is a clear difference in principle. One law declares the trade lawful and licenses it: the other prohibits and punishes it altogether. It is idle to say that the principle is the same in both. A very feeble attempt has been made to assimilate them by stating the old law as a prohibition to all but the licensed persons. But let the gentlemen who use this argument adopt their own mode of illustration and see how the question will stand. Certain vices which I need not here particularly name, are now prohibited by law. Suppose a new law were passed licensing certain houses for the indulgence of them, would the gentleman say that this introduced no new principle? would they consider the Legislature who should pass such a law of sanction and regulation as acting upon the same principles with their forefathers who denounced and punished the same vice in every place and under every form? I do not agree that the cases parallel, though they have been so stated in another part of the argument where they clearly are not so as I shall have occasion to show, but the difference between them does not apply to this particular question. To prohibit a practice altogether, and to permit it to certain licensed individuals, is equally a difference in principle of legislation, whether the practice be in itself a crime or not, but whether it be a crime or not, is a most effectual ingredient in the question of the expediency of its total prohibition. I need not pursue this argument. No one can

seriously doubt that this law presents an entirely new question of principle, if the quantity in which alone the sale is permitted, be admitted practically to operate, or to be intended to operate as a prohibition. The intent to prohibit makes the difference; whether it is successful or not is immaterial to the principle. That the intention is not to regulate, but to prohibit, the drinking of ardent spirit, neither of the counsel has been uncandid enough to deny. Indeed the whole argument proceeds upon the supposition that it is so. The selection of fifteen gallons as the limit, clearly shows this, as that quantity is the least in which by the laws of the United States brandy can be imported. It was therefore the highest limit the Legislature could assume without coming in conflict with the right of the importer of the liquor, as settled by the Supreme Court of the United States. As far as they could go, therefore, without introducing a distinction between different kinds of spirit, the Legislature has gone entirely to prohibit the retail trade. This, then, is a law of prohibition, while the old License law was no more a law of prohibition than the law requiring Auctioneers to be licensed, was a prohibition of auction sales. It attempts for the first time to prohibit the retail trade in spirits as drink, to all persons and in all places. And although the law should be thought, notwithstanding the other objections, to be constitutional, it is still inapplicable to the case of the importer.

Now of what value is this law if every one can retail at pleasure who can import 90 gallons of rum from the West Indies, or 15 gallons of brandy from France? But the difficulty does not stop here. Congress has the same exclusive power to regulate commerce between the States as with foreign nations, and that commerce may be carried on by land as well as by water. Following out the principles of the case of Brown and Maryland, any one who imports a barrel of New England rum from a neighboring State, by land or by water, may retail it at pleasure. If the principle be, as stated, that to restrict the sale by the importer is an encroachment on the power of Congress, and that this privilege continues until the property loses its distinctive character as an import, it is plain that any one may easily qualify himself to be a retailer. I am aware of the difficulties this doctrine may seem to involve; but there would be on the other hand great difficulties in any other construction. If one State could prohibit the retail trade in the products of another State, they might in that way carry on the commercial warfare which the Constitution intended especially to prevent. Suppose that South Carolina should choose, in her zeal against the tariff, to exclude our cotton cloth from her territories, could she not virtually accomplish this by prohibiting the retail trade in them, if such a prohibition were not restrained by this construction of the Constitution? But this construction prevents her from imposing any such prohibition on the importers, so that she could at most, only make it more inconvenient to obtain the goods by any law that she could pass. It would seem, therefore, not only that this privilege of the importer from another State comes within the principle of the decision, but that it is quite necessary to prevent the States from virtually legislating to exclude each others products from their respective territories.

But, Sir, I do not consider the constitutional difficulties to be the strength of the memorialists case. The injustice and inequality of this law, and its utter inexpediency as a temperance measure, seem to me still stronger objections before the Committee.

The memoralists contend that this law is unequal in its principle and its intent. It is one law for the poor and another for the rich. It makes the worst possible distinction, that of one who can, and one who can-

not afford to be intemperate. It denies it as a luxury to the poor and permits it, to the rich—instead of denying it to all as a criminal indulgence. If a man may not buy a single gallon of spirit drink for why should he be allowed to buy fifteen gallons? The only answer that can be given is, that it is more difficult to buy fifteen gallons than one, and that therefore spirit drinking will be restrained and diminished. But why, and to whom is it more difficult to obtain fifteen gallons?—Simply because the greater part of those who drink are too poor to buy the larger quantity. As to those who can buy it, it is no prohibition at all—to those who cannot, the prohibition is absolute. Is this equal? It is to be observed that this prohibition is not aimed at dram-drinking in the shop. A minimum of a quart or a gallon would prevent this as well as one of fifteen gallons; but the design is to prevent its being bought and carried away. Now as fifteen gallons is a quantity that can be carried away without any great inconvenience, this law really operates in this particular only upon those who cannot pay or be trusted for fifteen gallons at a time. It prohibits all from drinking at the counter, but permits those to carry away liquor who can pay for it, and prohibits the same thing to those who cannot. As far as this law prohibits drinking at the counter, which is the great evil, in cities at least, it is equal to all. But so far as it restrains the buying to carry away, it takes the most odious and unjust distinction. It leaves to the rich sot unlimited liberty of intemperance, while it prohibits the poor from the most moderate indulgence. Now Sir, this is not regulation—it is a most unequal prohibition. Various examples have been put by the Remonstrants to show that this law is not more unequal than others; but there cannot be found an instance in the whole statute book of such inequality.

In the first place it was said that the old license law was as unequal as this because though all could buy under it, yet all could not sell—but the distinction is very plain. The right of regulation is universally admitted, but there can be no regulation without restraint, and that restraint must be partial—all cannot be licensed retailers or auctioneers, but then all have an equal chance and right to be so. The rich man is not preferred to the poor man—bonds are required it is true which may be more inconvenient to the poor than to the rich man. But the object of requiring bonds is not to disable or discourage the poor from being retailers, but for the necessary security of the public against disorder. Then it is said that the Tariff is a law as unequal as this because it enhances the price of broadcloth so as to place it beyond the reach of the poor. But what inequality is there in this? All duties and excises necessarily enhance the price of the article to the poor as well as to the rich; but to avoid this unequal operation, the higher qualities of it are taxed more in proportion than the lower. The poor man pays on the coarse fabric which he must wear with or without a tariff a less rate of duty than the rich pays on his finer cloths. The rich pays a higher tax upon his dress than the poor man fully in proportion to its better quality. Nay, the very object of the tariff and its actual operation, has been by encouraging the manufacture of the coarser fabrics to reduce their price below what it could be imported for. Under its operation the poor man now gets a shirt for half what it used to cost him, and to enable him to do so the rich man pays an enhanced price for every article he wears. Every provision of the tariff is especially favorable to the poor. When gentlemen say there is no inequality in this law let them only apply it to some other article of consumption—Suppose a law made to prohibit the retail trade in cotton cloth. Fifteen gallons of rum it is said costs $6, and we are asked where is the poor man that cannot find $6 to buy it with. 'Not an able bodied man in Massachusetts' it is said 'who cannot at pleasure purchase this quan-

tity.' Sir, this sum of $6 will buy nearly a hundred yards of cotton shirting, but would it be no hardship upon the "able bodied" poor man to be restrained by law from buying less than 100 yards of shirting? Would $6 in that case be thought so very trifling a sum as to make the inequality nearly nominal? "Not one of that class of able bodied poor" says the Counsel "would be disabled by this law from purchasing spirit." I do not wonder Sir that the poor of other countries think this a land of ease and plenty, when the starving creatures hear my learned friend solemnly state that not the poorest laborer in Massachusetts but what has his pound sterling in his pocket to purchase spirit "at pleasure." I wish the fact was so as to the necessaries of life. This paltry sum of $6 that every able bodied man can spend "at pleasure" for rum, would relieve many a poor family in the state from want and nakedness. Understand me, Sir, I do not claim for the poor or for the rich the same facility for buying rum as for buying food and clothing. Tax it if you think it ought to be restrained, tax it heavily, if you please, but tax it proportionally—put the same tax on the poor man's N. E. Rum or Whiskey as on the rich man's Cognac and Jamaica. Give no facilities to the rich and impose no disabilaties on on the poor—Deal in your wisdom with the whole subject but deal equally to all. And if you will pass prohibitory laws prohibit every one alike.

There is one more example of the supposed inequality of the law, which has been dwelt on with great emphasis, as an argument for this; it requires especial notice for the boldness of the language in which it was put forth, and for its utter unsoundness. I will state it in the language of the counsel whom I select as representing the opinions of the sounder portions of the Remonstrants.

"Take even that desire which has been imparted by the Author of our Being, for the continuation of the species, not an artificial, but a natural and necessary appetite. As to this too, you give the law. What you permit is *lawful*, what you forbid is *unlawful*, and you absolutely inhibit its indulgence, unless a man will take to himself a wife to be supported, not fifteen years merely, but for life. Is this obstacle to indulgence equal to the rich and the poor? By the one it is easily overcome; to the other it is often insurmountable. And would these gentlemen ask you to deal out matrimony in smaller doses; to render it lawful for a man to take a wife for fifteen years, or fifteen days!" Again—"may you not restrain appetite wherever the good of society requires it? A wretch has an appetite for the wife or daughter of the Remonstrants!" &c.

I do not like this topic as a subject of public discussion. I would, for the sake particularly of some whom I see among this audience, gladly avoid it. But it has been repeatedly stated as an argument in favor of this law, that the brothel and the retail shops stood on the same ground as public evils. And more especially, as the argument is now put forward in its most specious form, by the ablest counsel of the Remonstrants, it must be answered in plain language. I take it Sir, that those who use this last argument, believe it sound, or they would not utter it. Now what is it briefly stated; just this, that you have the same right to restrain the drinking of spirits, that you have to restrain fornication and adultery—nay the language used, would as well include the crime of rape. The same right to restrain! Then you may restrain by the same means; you may punish the one as well as the other. I do not mean to the same degree—but they are equally proper subjects of punishment. And this is the answer seriously given to the complaint that this law undertakes to regulate the appetite? Why, what possible analogy is there between the two cases? Will such extravagant overstatements convince the sober minded people of this State? Because you can hang the wretch that brutally violates your wife or your

daughter, can you fine and imprison the man that mingles a drop of ardent spirit with his water? I know this law does not attempt to punish the drinking of spirit; but the argument claims the right to do it—it puts it plainly on the same ground as to that right with the most attrocious crimes. And this argument has been stated here over and over again, in every variety of form, as if it would bear the severest scrutiny. But is there not this plain distinction between the cases, that one is a crime and the other is not? But both, says the counsel, are appetites, and if one may be restrained by law, so may the other. Sir, are the appetite for crime and the appetite for food the same things? both are appetites—that is, both are desires, and the argument is that if one desire may be restrained so may another. Now Sir, is it nothing that the voice of God has forbidden one, and that the other is a crime only, when made so by this very statute!—"What you permit is *lawful*, what you forbid is *unlawful.*" The law then is to be justified by itself—it first makes the indulgence of appetite a crime, and then claims the right to punish it because it is a crime. Sir, there is a distinction between right and wrong established by higher authority than that under which you sit here, and the analogy that confounds the law of God and the law of the Legislature, is of very little value. As to the one the power of the Legislature is simply declaratory so far as it points out the right and the wrong, as to the other it makes a distinction purely of its own. Fornication, adultery and rape have been declared to be crimes by the voice of God, and no legislation can make them lawful—restraint of these is not only the restraint of appetite, but is the restraint of crime—the restraints of this law are restraints of appetite merely.

Will the gentlemen compel me to state the true analogy of the two cases? and if I must offend against propriety in so doing, I do it not voluntarily, but because our adversaries have compelled me to it. The appetite for spirit is compared with the sexual appetite, and the law which in effect prohibits the use of spirit to the poor, is said to be of the same character with that which prohibits to all the irregular indulgences of the sexual passion. Now Sir, having shown the dissimilarity of the cases, as stated by the remonstrants, let me show them what law relating to the sexes would be analogous to this relating to the use of ardent spirits. This law restrains the use of ardent spirits not before criminal—that is, it restrains all use of it. Suppose a law were passed restraining, not the irregular indulgence, but all indulgence of the sexual appetite. Suppose the Legislature should undertake on this subject to restrain that which God has permitted, and the regulation of which has been left to man's private discretion. That would be what the memorialists mean by a law in restraint of appetite—not only of an appetite lawful in itself, but of a lawful indulgence of it. Would the remonstrants acquiesce in such sort of legislation upon their domestic affairs? And if they complained of it, would they be satisfied with being told, that as the Legislature has the power to restrain the appetite for being drunk, and this is but another appetite, this may be restrained too? Would they not see in such a case, the wide difference between a simple appetite and an appetite for crime?

Equally fallacious is the argument drawn from the institution of marriage, as it affects the rich and the poor. A prohibition of selling that quantity of spirit that comes within the means of the poorest, is compared to the law prohibiting fornication and adultery to those who cannot maintain a wife for life. We are tauntingly asked if matrimony as well as spirit should, for equality's sake, be dealt out in "smaller doses," that the poor may enjoy it as well as the rich. Sir, this cannot have been as seriously said, as the occasion required. Do the gentlemen see nothing in the institution of matrimony but licensed lust? Do they not see

the difference between a promiscuous and beastly appetite, and the most refined passion of our nature? Do they consider a wife as a mere paramour for life? Do they count for nothing that sentiment, the tenderest of all associations, that binds hearts as well as persons together for life, and makes them dread death less for its own terrors, than because it divides them? "Smaller doses of matrimony!" What can those think of matrimony who talk thus of it in argument—or even in jest, if they are jesting on so serious a subject? Sir, they do not mean matrimony; they mean something very different from it; and when they ask if we would have smaller doses of that thing dealt out, we answer we would have it in no quantity whatever. They might as well ask us if we would have drunkenness dealt out in smaller doses; our answer to that, would be, that we want neither drunkenness nor lust, but we want rational liberty and equality for all, in the indulgence of the appetite, that God has made it innocent to indulge in moderation; and in both cases we want no legislative interference in the regulation of it.

But besides the inequality of the law in prohibiting the sale of small quantities of spirit, it is also grossly unequal in permitting the sale of wine in any and all quantities. Wine is an intoxicating liquor as well as rum, but wine is the drink of the rich man, and rum of the poor. Wine is not, nor ever can be, in this country, the drink of the poor—our own soil produces none, and the charges of importation make it too dear for them. Now, Sir, this law leaves the rich man the unlimited use in the smallest quantities of his refreshment or his poison, if the gentlemen who lecture on this subject, choose to call it so, and denies to the poor that which alone he can afford to buy. In regard therefore to kind, as well as to the quantity permitted to be sold, it is unequal. A gentleman and a poor man may meet in a tavern at night, having travelled through the same storm during the day—cold, wet and weary—the gentleman calls for his glass or his bottle of wine, and the landlord is happy to serve him in any quantity. The poor man calls for his glass of rum and water, and is told that he cannot have less than 15 gallons. Now Sir, even if it were true that every able bodied man in the State can pay for 15 gallons, it would be rather a hardship to have to pay for that quantity when he was travelling and could not carry it away with him. If he cannot pay for wine he must be content with water, even when exposure to wet and cold seems to him to require something a little more stimulating. No doubt my friends, Dr. Pierson and Dr. Channing would tell him if they happened to be present, that water was much better for him, but even if he could have their advice for nothing, he might still think it a hardship that he could not take his own, as to what he should eat and what he should drink. Not even in case of sudden sickness, can a taverner sell a glass of spirit, and not even the temperance doctors will tell us that there are not cases in which life may be preserved by it. To pass one moment from the irregularity of the law, look at the hardships it may impose upon every one. We all know that in country towns there is no apothecary, and the physician often lives at a great distance from the tavern—now if a feeble person in travelling actually needs a little spirit even as medicine, this law effectually prohibits his getting it. Under such circumstances, who would not feel that it was intermeddling with that which ought to be left to every man's own discretion?

I know of no law that will bear a comparison with it. It puts the whole community under guardianship, because the intemperate cannot be trusted with liquor. It denies to all the discretion of using that which none but fanatics can deny to be often useful, because some will abuse it. It is inconsistent with the whole spirit of our political institutions. It

would be absurd anywhere, but here, it is ridiculous. A people that are trusted by their Constitution with the complete power of self-government in politics, cannot be trusted with self-government in their diet. They may choose whom they will, every year, to make their laws, and administer them, and may even change their whole original civil compact of government at pleasure; and yet they cannot be trusted to buy what they choose to drink, lest they should drink too much of it. Sir, this cannot continue to be the law of this Commonwealth—the time will come, and very shortly, if it has not come already, when it will be seen to be a departure from the first principles of our government. I am not surprised that it should have been passed; because when all know that what is done this year may be undone next, no one fears to try even the wildest experiments. Such a law could only be passed in the very wantonness of liberty. That it will be repealed is certain, but whether it shall be now taken away before it has united itself firmly with other valuable laws, or whether it shall be suffered to remain until the whole system of legislation on this subject will go with it is a question of deep interest to the community.

But supposing this State law to be unobjectionable upon the ground of inequality in its operation upon different classes, and looking at it merely as a measure for the promotion of temperance, I will ask the attention of the Committee for a few moments to its probable effects.

Remember, Sir, it has not yet gone into operation: this is made a reason against repealing it; but, in my judgment, it is quite the contrary. After it has become the actual law of the land, there would be more reason for claiming for it what it advocates, call a fair trial—as yet it is no law at all, but it is to become such, unless sooner repealed, on the first day of May next. Repeal it now, and you have made no change in the legislation on this subject—no more than if the vote upon its passage had been reconsidered. Wait until next session, and you must meet all the evils of a change of legislation; you will then have to yield to an exasperated opposition—to an open contempt of the law; and to the resistance and disagreement of juries, what you now deny to reason and remonstrance.

It is an inexpedient law because it will not effect its purpose, and cannot be enforced. When I say it cannot be enforced, and when the Mayor of the city told you it could only be enforced at the point of the bayonet, it is not meant that a few individuals may not be convicted on the evidence of common hired informers—it is not meant that those will be rescued by force; but it is meant that nothing short of an armed police will put the law into effectual execution. For one convicted retailer hundreds will violate the law with impunity. See the difficulty of the case. In the first place, who will be witnesses against the offenders? No one—unless your temperance agents can train and discipline a band of spies and informers as standing witnesses; will they do that? or will they degrade themselves to the dirty office? Next, how can you expect a jury to convict under this law? In such cases the jury are to judge of the law as well as of the fact—they have a right to judge of the constitutionality of the law as well as of its application. It would not only be the right but the duty of every juryman who should be satisfied that the law was unconstitutional, to return a verdict of not guilty, whatever might be the evidence. Jurors are sworn to return a true verdict according to the law and the evidence. The constitution of the United States is the supreme law of the land—next in authority to that are the statutes passed by virtue of it, and if this statute seems to him to be in conflict with any of the rights secured by those instru-

ments, a juror has a right, and it is his duty to refuse to convict upon it. I do not mean that such a conclusion should be hastily adopted by jurymen—but they will be addressed with the same arguments you have heard here, and is it not reasonable to suppose that at least one man will be found on each pannel who will be willing to be convinced by them. Here are 20,000 memorialist who now declare opinion! and one dissenting juror will prevent a conviction. Then that come a conflict between courts and juries—new and unconstituti will modes may be adopted to exclude those hostile to the law; the monal ty of the law will be brought into contempt, and courts of justiceajesbecome the scene of angry debate, and perhaps, in the end the judiciary will be sacrificed to the popular feeling. One thing is certain—opposition to this law will increase instead of diminish, unless all violation of it can be put down at once—If a contest can be carried on by the opponents of the law, they will gain strength every day. Evil disposed persons will rejoice in the scenes of disorder which it will create, and good citizens will be tired of a warfare that keeps the public mind in agitation. It is in vain for the remonstrants to arrogate to their own party all the respectability and virtue of the State, and to class all their opponents among the intemperate and the disorderly. Among the names in this memorial, are the best of our citizens—sober-minded, religious, and peaceable citizens—men of property—men of influence. This is no cause in which such men will give their names for asking. The course of the memorialists is a responsible one; it implies deliberation and conviction—it commits the signer to an opinion that he cannot disavow—while on the other hand the remonstrance is put forward as the act of the "Temperance Party," and thousands of signatures may be obtained for such a paper from those who care nothing for the matter, but think there can be no harm done by being over-virtuous. Look at their petition; it bears the names of thousands of women—why, Sir, what can these women know of the expediency of this law? Good souls! all they want is to have their husbands and brothers temperate, industrious men—but whether this will make them so or not they are as ignorant as children.

When I say that this law cannot be enforced in the courts of justice, I speak of what will happen from a knowledge of what has happened. Some of your Committee remember the old embargo law, and the numerous prosecutions under it. That was an unpopular law, and many believed it an unconstitutional law, but the courts sustained it and would not allow its unconstitutionality to be argued to the jury—but, Sir, the juries would not convict under it. Verdict after verdict of not guilty, was pronounced in the face of the clearest evidence of the fact. The law totally failed of operation—the sentiment of the people was against it, and the courts could not enforce it. Look too at the recent case of Abner Kneeland, tried three times before he could be convicted of the most obscene blasphemy; the fact was not denied, but the law was argued to be unconstitutional and oppressive, and if he had not insulted public decency, as well as denied the existence of God, he never could have been convicted.

Sir, the counsel has told us very emphatically, that the morality of a people cannot be maintained above the morality of their laws. It is equally true that laws cannot be maintained beyond the moral sentiment of the community. They rest upon that, and upon that alone for their support—the moral sentiment of a few enthusiasts will not do—nor of a mere majority—they must have the earnest support of the whole mass of good and intelligent men. When good and intelligent men are seriously

divided upon the expediency of a restrictive law, it cannot be expected to stand: and if gentlemen think there is not such a serious division on this subject, they greatly deceive themselves. Strong as the memorial is in good names, they do not see there one-half the strength of the opposition to this law. A stronger influence exists in the silent opinions of men whose age, office, and circumstances, prevent their names from appearing here. The support of the law you hear enjoined in the most public manner. You have on one side of this question greetings in the market-place, and prayers standing in the corners of the streets, but you will feel on the other, the strong current of sober opinion revolting from these Utopian schemes of radical reform in morals by the terrors of the law.

But suppose you can enforce it—that is, suppose you can suppress all public violation of it; will the cause of temperance be promoted by it? Will pauperism and crime disappear before this mighty engine of reform?

Sir, upon this point we have example as well as theory—we have facts that are better than all conjecture. By the unwarrantable and illegal construction put upon the law, authorizing the County Commissioners to license "*as many*" retailers as they thought the public good required, in certain Counties, these officers have undertaken to be more virtuous than the law, and have decided that the public good requires none at all. The consequence has been in those counties, just what this law proposes for the whole Commonwealth—complete prohibition of all retailing. And Sir, this Commissioners' law has been tolerably well enforced, except in the very large towns; much better than your law ever can be; because it is a law enforced by men chosen by the people of the county for the very purpose—the clear will of the majority had been expressed in the choice of Commissioners, and the people know that the same question will be open at the next choice. They do not feel it as a law, but as a temporary regulation always in their power to repeal, but even that law has been openly disregarded in New Bedford, where we are told that rum is retailed about the streets in a milk cart. But what has been the effect of this regulation during the three years it has existed in those counties? Why, sir, we should not have dared to predict such a consequence: it has gone even beyond conjecture. No other sufficient explanation of the fact has been or can be given, but it is an indisputable fact, that in those counties where licenses were given, crime and pauperism have either diminished or at most increased, but about in the ratio of the increase of foreign population: while in those counties where the prohibitory system has prevailed, the system now urged upon us for the whole Commonwealth, crime and pauperism have made the most frightful advances. There can be no mistake about this, the fact is not denied, it stands upon official returns. How is it accounted for, if it be not the legitimate consequence of this system? They say it was the hard times: pray, which way did the hard times work? times were as hard in Boston as they were in New Bedford. Yet crime and pauperism increased in New Bedford, and diminished in Boston. It is said that the sea-board towns suffered particularly by the hard times, and that the prohibited counties all bordered on the sea. But again, sir, is not the county of Bristol a sea-coast county? And is not New Bedford a great sea-coast, commercial town? Again, it is said that the influence of "Boston the great reservoir" poisoned the more virtuous counties. True, Boston did supply them with immense quantities of spirit. Incredible quantities were sent to Bristol County, and to taverners and retailers, to be used there in violation of the law.—But do the gentlemen think that if they subject the whole Commonwealth

to this restriction, some other "great reservoir" will not open? If New Bedford can get spirit from Boston, cannot Boston get it from Portsmouth, from Providence, or New York? Again they account for it by saying that the general law of the land made it reputable to drink, because it provides for licenses "for the public good." And do they think by this law to change the moral sentiment of the community. Do they think men drink rum "for the public good" when the law declares it to be so and will leave it off when the Legislature changes its mind on the subject. Really, sir, I have no faith that our community is so docile and ductile to the various changes in speculative morality brought about by Lectures and Conventions. I believe this is a question on which they will judge for themselves, be your laws what they may. Another reason assigned for the backsliding of the Temperance County of Bristol is, that the same *general law* being administered differently there, and in other counties "has caused a feeling of restlessness, or perhaps resentment to some extent unpropitious to its fair influence." Sir, I was much struck with the admission involved in this explanation. The people of Bristol, it seems, drink from restlessness and resentment, because they are forbidden to do it by law, while people in other counties are permitted to do it: And when you have forbidden the people of the whole State, will not they drink from restlessness and resentment? What difference does it make that other counties have been allowed to retail, while the people of Bristol by their own act have prohibited it? Are they angry with themselves? with the fair majority of their own county? and will they not be as angry with you and with members of other counties, who impose this restriction upon them by law? Sir, I doubt not the truth of what the gentleman states—that restlessness and resentment under restraint have aggravated the evil of intemperance in that county, and so it will be every where if this law prevails. When it was first said before the Committee, that under this law people would drink the more from a principle of opposition, the argument was derided, *drinking from principle*, was thought too ridiculous to be mentioned. But the fact was known to the Memorialists to have been so, and now the counsel for the Remonstrants avows it to have been so in their favorite county. The people of Bristol are angry, because the people of Suffolk can buy liquor while they cannot, and they drink twice as much out of spite. Just so, sir, it will be elsewhere. Opposition to the law will beget toleration of intemperance, and fifteen gallon kegs will be emptied and filled again in drunken carousals over this impotent attempt at restriction.

But when we object to this law, we are asked for a better. Intemperance, it is said, is increasing: what shall be done? Sir, this brings me to the last topic with which I have to trouble the Committee. When gentlemen ask us what shall be done. We ask them to look at what has been done, one of the greatest moral reformations that the world ever saw has—no, sir, I must change the word—had already been brought about upon the subject. Within the last twenty years an incredible change had been wrought in the habits of the people of this State—Intemperance, from being the peculiar vice of our people, had become exceedingly rare. Upon this all are agreed, that a mighty change had been wrought. It is about as well agreed that within two or three years the course has been the other way. Now what causes produced these two opposite effects? What causes were at work, and apparently producing them? The reformation was brought about wholly by a system of earnest and persevering appeals to the public opinion, without the least assistance from the law. Societies, public meetings, addresses, and travelling lecturers. These were the agents that were employed to bring it

about—it was accomplished wholly by what in this discussion has been called *moral suasion*. Within a few years an increasing rigor of law has been called in aid of this benevolent design, and the measures of moral suasion have been relaxed. I do not think it necessary to bring facts in proof of these statements—every body knows their truth. I wish to make no invidious remarks; but every one who knows by whom and how the measures of the temperance party are now carried on, and who remember by whom and how the reform was begun and carried forward will percieve at once how much mere moral influence on this subject has declined. The concentrated voluntary action of individuals has subdivided into mere organization. The agents who were before the humble ministers of others, have become the chief of the synagogue; they find it easier to preside and make reports in conventions than to travel about like the mild and pious Hildreth, reasoning upon temperance and beseeching men to be saved. The Temperance men have become a party—and the party has become numerous, strong and well organized; and like all men in power, they love the excercise of power. They have become impatient of opposition, and they would wield the thunder of the law to put it down. Sir, the people feel the difference—they see too much of pride, too much of arrogance in all this. The temperance lectures are deserted—public opinion has lost its tone and its current has turned backward. It is true, it is alarmingly true, that Intemperance has increased, and its increase may be traced back to the time when moral suasion gave way to legislative compulsion. If I were called on to state what was the first error committed in this cause, I should unhesitatingly point to the pledge of total abstinence required of the members of temperance societies. At t hat point persusion was first exchanged for compulsion. I remember well, sir, and I was in a situation to feel the effect of that measure. I believe that very many retired from all open connexion with the cause, when they found that this attempt was made to bind their consciences. They felt that it put an end to all voluntary action, that each man was to be a spy upon his neighbor, and that a connexion with a temperance society after this pledge, gave to it an inquisitorial power over its members. They felt justly that the abstinence that was compelled by a vow would cease to be a virtue—it brought it down from the sublimity of a voluntary sacrifice to the paltry fear of being caught in breaking a promise.

> "No, not an oath; if not the face of men,
> The sufferance of our souls, the times abuse,
> If these be motives weak break off betimes—
> ——————————Unto bad causes swear
> Such creatures as men doubt—but do not stain
> The even virtue of our enterprize,
> To think that or our cause or our performance
> Did need an oath."

If the gentlemen now ask us in earnest what shall be done, we say to them, retire from the lobbies of the Legislature—let the law be restored to what it was when this State was as remarkable for temperance as it had before been for intemperance. Repeal your pledge of total abstinence. Give up your ostentatious city conventions whose influence never reaches the poor creatures that most need your good offices, but only exhaust in expenses the means that would enable you to send out humble, pious and warm hearted preachers of temperance. Go back to that *moral suasion* under which this reform grew up and flourished; abolish all attempts to orce men to be temperate by fear of punishment, or by the still more

futile experiment of hiding from them the intoxicating liquor. Respect the rights and liberties of the temperate, as well as the necessities of the intemperate. It is not true, as your counsel has told you, repeating your own words, that "moral suasion has done its office"; it has not "carried this reform as far as it can go without a change of the law," Sir, moral suasion got tired before it had half done its office—it became satisfied with the wonders it had done, and too indolent to work longer itself, it turned over its unfinished duties to the hands of the law. I defy the proof that earnest, humble and affectionate persuasion has ceased to prevail with the intemperate as much as it ever did. The misfortune is, that we have less of the means employed to produce the effect.

But if moral suasion could not carry the reform farther, it would have been well employed in maintaining it where it was; and now to restore it to that position, would be reward enough for all the efforts of the Remonstrants. It will be time enough for them to say that moral suasion has done its office when they have restored what by its neglect they have allowed to fall into decay. Even then, sir, we would cheer them on to farther exertions in the use of the same means; and when they find those means—the only means their Master used, when his disciples would have called down fire from Heaven,—fail to carry the work farther, they may content themselves with the reflection that they have done all they can, and their successors will find full employment in maintaining what they have done.

Mr. Chairman. I have but one word more to say. THIS LAW WILL BE REPEALED. I feel the strongest conviction that the people will not bear it. It is an encroachment on the rights of the sober and of the temperate. I believe I am as willing as most men to submit to the laws,—but I cannot acquiesce in this. I feel it as an encroachment on my own rights, and I never can cease to oppose it. Personally as well as representing the memoralists I protest against it. I protest against it as an unwarrantable restriction upon the habits of private life. I protest against its inequality as it operates on different classes of the community. I protest against it as tending to introduce perjury and contempt of the laws, and as requiring for its execution the base and corrupting instrumentality of spies and common informers. I protest against it as worse than worthless as a temperance measure; as an abandonment of all regulation and of the moral means that had already wrought a wonderful reformation throughout the land, and the substitution of a system of prohibition and force. I protest against it as absurd in theory and impracticable in execution. Sir, it will be repealed. The question is only whether it shall be done now when a wholesome law of regulation will take the place of it, or hereafter when the public mind has been inflamed by opposition and resistance. You have now the whole subject in your hands. I beseech you, let it not pass out of them until the work is done.

Note—The Committee have now been able to furnish the public with a full and correct report of all the evidence on both sides, and of the arguments on one side, before the Legislative Committee. They did not feel authorized, from the importance of the subject, to omit any portion of it, and this has caused the delay in its preparation and publication. They ask for these pages a candid consideration, and upon that they are content to rest the issue in every fair mind. The argument was conclusive with the Committee who heard it, so far as regulation against prohibition is concerned, for they repealed the former and rejected the latter, in their bill. Another Legislature, it is believed, will be free to act upon this great question, with wisdom, candor and forbearance.

ADDRESS

BEFORE THE

MASSACHUSETTS SOCIETY

FOR THE

Suppression of Intemperance.

DELIVERED MAY 27, 1833.

BY L. M. SARGENT.

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We listen with astonishment to the promulgation of the fact, that, within the last century, thirteen stars, in different constellations, none of them below the sixth magnitude, seem totally to have perished; that forty have materially changed their magnitude; and ten new stars have supplied the places of those that are lost: yet, in relation to the once dreaded comet, and the baleful eclipse, mathematical calculation has taken place of vague and terrific prediction. Instead of anticipating the dissolution of our planet, and propitiating Heaven, by the bootless bestowment of our estates, for the support of charitable institutions, which must fall together with a falling world,—we now expect their approach with entire complacency of mind: and to such a state of perfection has the astronomical science arrived, that man is rarely so punctual in keeping his appointments with his fellow man, as are the comet and eclipse in fulfilling the predictions of astronomers. This, however, is but a single department. Pass over the more humble operations of the laboring mechanic; and even he is constantly eliciting some fortunate spark, which lights up a train of thought in some superior mind; and is himself, perhaps, unnoticed and unknown, lost amid the blaze of his own creation. Seventy years have scarcely passed away, since the celebrated Brindley was the mechanical paragon of the age. He was the father of canals. Before his magic wand the most stupendous obstacles were reduced in an instant. The broad stream and the lofty mountain were no impediments in his way: he conducted his artificial rivers over the surface of the one, and perforated the bosom of the other: millions upon millions of pounds sterling have been expended in accomplishing the projects, thrown out from the intellectual workshop of this remarkable man. Contemplate the operations of the mechanical philosophers of a later day.—It is believed, by many, that the railway will take place of the canal; and the tedious journey of thirty miles, which was of old the operation of a day, may be accomplished in fifty minutes. He, who contrives a method, by which we are enabled to pass from one part of the globe to another, in half the time required for the operation before, has virtually, for many valuable pur-

poses, brought the ends of the earth as near again together as they were—and, by facilitating the process of locomotion, he has enabled man to become more easily and more universally acquainted with his fellow man, and multiplied the interchange of all the kindlier offices of life. Such are among the obvious consequences of the application of steam power to the purposes of navigation. Here is assuredly enough to satisfy the ardor of invention for a single age; and if nothing had been added to the stock for fifty years, the wondering world would have had no reason to complain. There was a time, when a proposition to perform any intellectual process, by means of machinery alone, was offered only in derision of a certain species of literary empiricism. At this very moment, the government of Great Britain are the proprietors of a machine, the invention of the highly ingenious Professor Babbage, for the calculation of astronomical and navigation tables. "This wonderful machine," says Sir David Brewster, in his work entitled Natural Magic, "is capable not only of accurate computation, but can correct its own errors, and print off correctly the final results of its own calculations, without the aid of human hands." Labor-saving machines, with a few unimportant exceptions, have hitherto regarded the diminution of manual labor, in man, or the labor of brute animals alone. But here it is contemplated to substitute machinery in the place of intellectual power.—"The practical object of the calculating engine," says Sir David Brewster, "is to compute and print a great variety of astronomical and navigation tables, which could not otherwise be done, without enormous intellectual and manual labor; and which, even if executed with such labor, could not be calculated with the requisite accuracy. Mathematicians, astronomers, and navigators do not require to be informed of the real value of these tables; but it may be proper to state, for the information of others, that seventeen large folio volumes of logarithmic tables alone were calculated, at an enormous expense, by the French Board of Longitude; and that the British government regarded these tables to be of such national value, that they proposed to the French Board of Longitude to print an abridgement of

them, at the joint expense of the two nations, and offered to advance £5000 sterling for that purpose." These are but a few of the numerous exemplifications of our original position, that the present is an age of intellectual improvement, an age of invention and discovery. In no department of letters, in no branch of the arts or sciences, can it be justly affirmed, that the laborers, in point of numbers, are not equal to the harvest.—From those who ascend, with indefatigable energy, the loftier pinnacles of science, to such as win their reputation at a cheaper rate, the exercise of mental power, the acquirement of human knowledge, the achievement of intellectual distinction, in some one or other of the multiplying departments of literature, science, or the arts, are the absorbing considerations of the day. When all the professional avenues to the temple of Fame are absolutely crowded, when the holy profession and the healing art are already full, and, in the fraternity of those, whose occupation it is to make the worse appear the better reason, there is scarcely room for another aspirant,—still there is a surplus amount of genius, which must find an outlet, in some direction or other. Even the conchologist pursues his amusing employment, dignified with all the formalities of science, its systems, and genera, and species, and adds shell to shell, as zealously, as though he believed his innocent occupation were the chief end of man. The entomologist is in no respect his inferior.

> He, from all realms, together brings
> Probosces, antlers, legs and wings;
> For this alone devotes his pains,
> His life consumes, his treasure drains;
> And leaves his children, when he dies,
> The richest cabinet of flies.

Man, immortal man, is provided not only with the sentient principle, the intellectual power, which it is his chief delight to improve and to develope,—but with an imperishable soul. Let us pause, for a moment, and inquire, if, in this rapid and universal march of intellect, there may be not a little danger of leaving religion and morality behind! Can we be more worthily occupied, than by falling back into their society, and em-

ploying our humble efforts in bringing up the rear? Religion, officially, and in all propriety, may expect its support from hallowed lips and consecrated spirits; from those holy men of God, who have been especially appointed and ordained for its defence. But of the public morals every citizen is the natural guardian: he participates in all those advantages, which result from their preservation; and he suffers a portion of all those evils and perils, which are the inevitable accompaniments of their decline. He should preserve the moral atmosphere, by the continued exhibition of his influence and example, in a condition as pure as that, in which it was, in the days of his venerable ancestors. How intimately connected with the observance of this moral obligation, is that interesting subject, which, at this very moment, is uppermost in all our thoughts! It is indeed a theme, which has exhausted the intellectual resources of eminent physicians, civilians, and divines; and upon which he, who now addresses you, can say nothing, which has not been already better said, by abler men. But the effectual suppression of intemperance depends not, for its accomplishment, upon the prolonged and concentrated efforts of any single individual, even if he were the intellectual colossus of an age; but upon the untiring and reiterated exertions of the whole community of man. There is a stain, broad and deep, upon the escutcheon of the world, and the co-operation of every member of the human family is required, to wipe it effectually away. The accomplishment of this noble object—and the prospect of its happy consummation is by no means discouraging—will consolidate the proudest monument upon the surface of the earth. Let every one of us, my friends, resolve to throw a stone upon the consecrated pile.

If man be created but a little lower than the angels, it is matter for infinite regret, to contemplate his gradual declension, till we see him, at last, a little lower than the brutes that perish: such is the condition of that man, who, by his own voluntary act, deprives himself of that measure of personal control, which is still retained by the beast of the field. It is of little consequence, in our present view, by what means any member

of civil society deprives the community of the advantage it has a right to expect from his co-operation. Such conduct is a breach of the implied obligation, existing between every individual and the community. If such examples are of frequent occurrence; if they bring along, in their train, evils of a serious character, personal and reflective,—affecting the health, happiness, fortune, and usefulness of the individual, and the peace and prosperity of society; if, at last, they become the prolific sources of misery and crime, scattering curses and calamities in the path of man; if the causes, producing such terrible results, are perfectly understood; if the legislatures of the states turn a deaf ear to the solicitation of the wise and good, and will not interpose an arm of power, for the correction of the evil, so far as they have the ability,—what is to be done? The good man, after communing with his own heart, must commune with the heart of his neighbor; the sentiment must pass, like a consecrated symbol, from man to man, from family to family, from neighborhood to neighborhood, from village to village, from one state to another, from these western shores—to our glory be it spoken—to the far away land of our British ancestors; and thence to other climes,—until, throughout the whole civilized world, the universal watchword shall be TEMPERANCE, and the countersign PEACE ON EARTH AND GOOD WILL TO MAN. Such is the origin of our temperance associations, which are pouring through the land, like refreshing and irrigating streams, whose original sources are perhaps as insignificant, and of as little promise, as the half-hidden springs of Abyssinia, which give the first impulse to the mighty waters of the Nile. The formation of temperance associations is likely to be productive, not only of that obvious and positive good, which is the palpable object of their organization, but of another, which is too important to be overlooked. It furnishes a broad ground of perfect neutrality, upon which men of all sects and of all parties, by becoming fellow-workers in a Christian cause, may learn a little of the high and holy mystery of loving one another. On such ground, my respected friends, we are now permitted to tread: let us throw aside our sectarian and political shoes.

To an indifferent observer, who takes little note of the progress already made by the friends of temperance, it will of course appear to be a matter of surprise, if the advantages, anticipated from their exertions, have not been overrated; that the harvest of their high hopes should be so long in the gathering; that intemperance should still exist, in its present disgusting form and frequency, and that the subject should appear to receive so very little of the attention of legislative assemblies, throughout the United States. But an indifferent observer can have no just conception of the achievements of temperance societies, whose progress is perfectly astonishing, in the view of their most sanguine friends. There was a time, when the society for the suppression of intemperance was the appropriate object of legislative protection; there was a period, when the legislature of Massachusetts, in which commonwealth this new and happy creation at first arose, might have sustained it with a fostering regard, and, by suitable enactments, corresponding with the advancement of public opinion, have provided a lamp for its feet, and a light for its path. Even now, such enactments are positively demanded, for the credit of the legislature, and for the dignity of the commonwealth: but the period of patronage has past. The temperance society is no longer the bantling that it was; and the attention of the legislature, at the present day, would resemble the patronage, so finely described by Dr. Johnson, where the patron looks with indifference upon the individual, who struggles in the water, and when, by the blessing of Heaven upon his efforts, he reaches the shore, rushes eagerly to his assistance, and overburthens him with help. Legislatures have other occupations, which are more agreeable to their particular tastes, and, in their estimation, of infinitely higher importance, than the dry and disgusting drudgery of mending the morals of mankind. Moral evils, in the shibboleth of certain political economists, will rectify themselves! Of what possible consequence can be the annual aggregate of broken constitutions and broken hearts, of poverty and misery, and all imaginable crime, compared with a railway? In contemplation of this portion of our subject, we have a practical illustration of

the beautiful fable of the reapers. The sagacious birds knew they were in no danger of being disturbed, while the husbandman depended upon the co-operation of his neighbors, for the gathering of his harvest; but their hopes were at an end, when they perceived that he intended to depend upon himself alone. The dram-drinker and the dram-seller indulge in a feeling of perfect security, so long as the friends of temperance wait for the efforts of the legislature, but that feeling is diminishing, and will continue to diminish, in proportion as they become convinced, that the friends of temperance are determined to depend upon themselves. We have said, that the temperance society is no longer the bantling that it was: it has quietly slipped the leading-strings of all the legislatures in the land. It can stand alone, and it can go alone. It has already found its way into almost every portion of our extensive domain. It has bestridden the Atlantic, like a moral Colossus, and secured its foothold upon the sea-girt isle. When the moral sense of an intelligent people has become purified and elevated, by a full, and free, and long-continued interchange of sentiment and sympathy among mankind, the current of feeling and opinion is not likely, upon any sudden impulse, to be reversed. The enactments of a legislature are sadly liable to change; and of this there exists not a more melancholy example, than in the act of the preceding year, entitled an act for the due regulation of licensed houses, and which might, with more propriety, be styled an act for the more effectual and universal diffusion of alcohol throughout the Commonwealth. The friends of temperance can have no dependence upon the continuance of legislative provisions, nor can they expect their enforcement, in any other way, than through the influence of public opinion. Their strength necessarily lies in the accumulation of moral power. By the fifth report of the American Temperance Society, published in May, 1832, it appears, that, at that time, fifteen hundred thousand persons in the United States abstained from using ardent spirits, and from furnishing them to others; there were, at that time, in our land, one thousand temperance societies; fifteen hundred distilleries had been stopped; more than four thousand mer-

chants had ceased to traffic in the poison, and more than four thousand five hundred drunkards had ceased to use intoxicating drinks. In the state of New York, where the reformation commenced but recently, the friends of temperance have abundantly redeemed the time that has been lost by their delay.—Eleven hundred and forty-five societies exist already in that state. In the year 1824, the importation of ardent spirits into the United States amounted to 5,285,000 gallons; and, in 1830, to 1,195,000, showing a decrease of 4,090,000 gallons. It is not possible to account for this decrease, on a supposition of increase in the home manufacture; for the home returns show a falling off in the same period. This remarkable fact is alluded to, by the Bishop of London, in a late address before the British and Foreign Temperance Society. These societies are constantly spreading over the land their circulars and reports, presenting unquestionable evidence of the terrible effects of intemperance. We are resolving, as a whole people, to shake off that fatal drowsiness, which has so long detained us in dishonorable bondage; and, if we do not immediately succeed, we must not forget that it has been the slumber of ages.

The efforts which are making in this glorious cause are truly prodigious; and the evils are prodigious, which those efforts are intended to remove. Judge Hale affirmed, after twenty years' experience, that, "if all the murders, and manslaughters, and burglaries, and robberies, and riots, and tumults, and other great enormities, which had been committed within that time, were divided into five parts, four of those five parts would be found to have been the result of intemperance." In an examination before the British House of Commons, it was testified by Mr. Poinder, "that from facts, that had fallen under his own observation, he was persuaded, that in all trials for murder, with very few if any exceptions, it would appear, upon investigation, that the criminal had, in the first instance, delivered up his mind to the brutalizing effects of spirituous liquors." Upon the same occasion, the sheriff of London and Middlesex stated, that "the evil, which lies at the root of all other evils, is that especially of drinking ardent spirits; that he had been

long in the habit of hearing criminals refer all their misery to this; so that he had ceased to ask the cause of their ruin, so universally was it produced by spirituous liquors." Mr Grundy, the senator from Tennessee, after a practice of thirty years, in the profession of the law, advances his deliberate opinion, that "four fifths of all crimes committed in the United States, can be traced to intemperance." "I am persuaded," says the late attorney general of the United States, Mr. Wirt, "that, if we could have a satisfactory survey and report of the affairs of unhappy families and individuals, with the causes of their misery annexed, we should find nine cases out of ten, if not a still greater proportion, resulting from the use of ardent spirits alone." "Of seventy-seven persons," says the fifth report of the American Temperance Society, "found dead in different parts of the country, sixty-seven, according to the Coroners' inquests, were occasioned by strong drink." These are a few examples of the declared opinions of eminent civilians, regarding intemperance as the principal cause of crime. What are the declarations of physicians, in relation to its effects, upon the body and the mind of man? There is but one opinion among the professors of the healing art. The obituary record of the week reveals comparatively nothing of the effects of alcohol, for the seven days that have passed. The drunkard, who dies, by night, upon the public way, is gibbeted, for the sake of example, in the recollections of mankind; but what numbers are dying daily of intemperance, in whom the organs, principally affected, are the stomach, the lungs, the liver, and the brain; the proximate cause of death is assigned instead of the more remote, and the reputation of the victim is suffered to find a sanctuary in the mystical designation of the nosologist. Dyspepsia, and apoplexy, and hepatitis, and insanity, and phthisis are only the outlets of existence, for thousands who have entered the wide gate and the broad way of intemperance. "All use of ardent spirits," says Dr. Emlen, "is an abuse: they are mischievous under all circumstances." "Their tendency," says Dr. Frank, "when used even moderately, is to induce disease, premature old age, and death." "The moderate use of ardent

spirits," says Dr. Harris, "has destroyed many, who were never drunk." "No cause of disease," says Dr. Trotter, "has so wide a range or so large a share, as the use of spirituous liquors." It is the opinion of Dr. Wilson, that "the use of spirit, in large cities, causes more diseases, than confined air, unwholesome exhalations, and the combined influence of all other evils." Dr. Mosely, who was, for many years, a resident in the West Indies, remarks, "that persons who drink nothing but cold water, or make it their principal drink, are little affected by tropical climates; that they undergo the greatest fatigue, without inconvenience, and are not so subject as others to dangreous diseases." Dr. Bell observes, "that rum, when used even moderately, always diminishes the strength, and renders men more susceptible of disease; and that we might as well throw oil into a house, the roof of which is on fire, in order to prevent the flames from extending to the inside, as to pour ardent spirits into the stomach, to prevent the effects of a hot sun upon the skin."— "Intemperance of any species," says Dr. Bronson, of Albany, "but particularly intemperance, in the use of distilled liquors, has been a more productive cause of cholera, than any other, and indeed than all others." What is the language of the man of God? "No man," says the Rev. Mr. Ware, "can think to act on Christian principles, or do a patriot's duty to his country, and, at the same time, make or sell the instrument of intoxication." "Can it be right for me," says the Rev. Dr. Wayland, "to derive my living from that, which is spreading disease, and poverty, and premature death, throughout my neighborhood?" "I challenge any man," says the Rev. Dr. Beecher, "who understands the nature of ardent spirits, and yet, for the sake of gain, continues to be engaged in the traffic, to show, that he is not involved in the guilt of murder."

Such are the opinions of eminent civilians, physicians and divines; among whom, whatever differences of opinion may exist, upon other occasions, upon this all-important subject there is the most perfect unanimity. Yet, in utter disregard of these extensively prevailing convictions, the importer brings the accursed poison across the sea; the distiller, like the

genius of evil, labors, by day and by night, in his volcano of liquid fire; the dram-seller distributes the pernicious fluid, as it flows from the principal fountains, into a thousand rivulets or petty streams; and man continues to partake, till all that was human is annihilated, and nothing but the brute remains! And why, with the deepest reverence let me ask, in the name of a just and an avenging Deity, the God of the unprotected and the fatherless, who have fallen, and are continually falling, before the allurements to intemperance, legalized throughout the state, —why is this monstrous and ruinous traffic permitted to continue? Why have we here, in the land of the pilgrim fathers, a standing army of destroyers, who have already acquired and exercised the power of the janissaries to create and to depose; raised by the state itself; commissioned by the public authorities; whose weapons are turned upon our citizens of every age and condition; whose work is the work of death; whose wages are the wages of iniquity, and whose miserable victims, while they remain to cumber the earth, are supported by thousands, at an enormous charge to the Commonwealth? The grand jury, for the county of Suffolk, have recently presented the almost unlimited sale of ardent spirits in the city, as the cause of nearly all the crimes, which have been brought under their cognizance. Between six and seven hundred licenses, for the sale of ardent spirit, are in force in the city of Boston. When the Massachusetts Society for the Suppression of Intemperance, shall gird up its loins, and gather up its strength, and, like Hercules, look around for the scene and the subject of its labors; there can no where be found a more suitable object, for the trial of its prowess, than in the seven hundred headed Hydra of the metropolis of this ancient Commonwealth. The monster can be most effectually strangled in the cradle of its infancy, the capitol of the state. The indication is too plain to be mistaken. The efforts of this respectable body, with the cooperation of other societies, and of all the lovers of peace and order through the land, can remove all legislation, on the subject of the license system, from the hands of grocers, and retailers, taverners, victuallers, importers, and distillers, and place it

with those, who will look with a single eye to the public good. When the venders of drams arise from mixing liquors, and go up to the halls of legislation, to mix the laws, their labors may be expected to result in a confusion more thoroughly confounded than before. Amendment of the laws will pave the way, and, by a reduction of popular facilities, prepare the public mind for the universal and absolute abandonment of ardent spirits. Such, and nothing less, is the avowed object of every friend of temperance, who acts upon the only safe and rational principle, the principle of unqualified abolition. There *was* another theory, the theory of moderate drinking; a theory which is almost obsolete, or sustained by interested advocates alone. The *temperate use* of ardent spirits is a palpable absurdity in terms. The woodman commences not with the topmost branches, but lays his axe at the root of the tree. The beginning, the middle, and the end are parts of an integer.—Who does not perceive, in the drunkard's death, the last act of a drama, which commenced in moderate drinking? If this be really the temple of destruction, if these are, in sober earnest, the gates of hell, and the chambers of death, perilous is the folly of that man, who enters a *little* way! What should we think of a physiologist, who had been refused permission to experiment upon our persons for the good of science, with the matter of any contagious or fatal distemper, who should qualify his request, and ask leave to inoculate us a *little?* What should we think of the sanity of that man, who ventured, for his pleasure, upon those rushing waters, which lead irresistibly to the brink of some stupendous cataract, and who resolved to glide along, within a few feet of the dizzy precipice, *and no further?* Does not the daily experience of life establish the fact, that the fatal folly of the temperate drinker is precisely the same?

It is a favorite opinion with certain individuals, that the sale of spirituous liquors should be confided to none but an *honest man! An honest man who sells drams*, placed between the antagonist muscles of his moral principle, on the one hand, and the cupidity of the tradesman, on the other, will seldom close his operations for the day, without a consciousness, that, some-

how or other, a portion of his virtue had departed from the hem of his garment. The right hand of a dram-seller is never more likely to forget its cunning, than when employed in picking the dust of self interest from the eyes of its master.

The sale of ardent spirits confided to an honest man! Not as the agent of the state, nor of any particular municipality, with a settled compensation for his labors of love, but dependent for his livelihood upon the amount of his sales; stimulated by the universal desire of getting rich as fast as possible; surrounded by rivals and competitors, at every corner; imbued with a very becoming disposition to live as peaceably as possible with all men! By what especial indication, will this honest man undertake to decide upon the *punctum instans*, the very moment, when his customer is drinking to excess? May he not already have drunken to excess elsewhere? Will this honest man be very apt to stir up the ire of his customer, his townsman, his neighbor, by any ill-timed interrogatory? Will he not wait for the best possible evidence, until the tippler has drunken out his money? When the most honest of all these honest men is ready to interpose with his veto, and arrest the career of the drunkard, the motive will be seen, in almost every instance, to be founded in a fear, that the drunkard will nullify the reputation of the shop, and not that he will nullify himself.

The sale of ardent spirits confided to an honest man! We are none of us too honest, my friends, for this perilous employment. There are stores in this city where liquors are gratuitously placed before servants, who bring thither the custom of their masters. I direct my servant to procure me certain articles from the store of Mr. A. B., but he assures me they can be had of a better quality, or at a cheaper rate, at the store of Mr. C. D. I am delighted with his zeal for my interest, and take every occasion to commend his fidelity. In the mean time, the articles are charged to me, at the grocer's own price, and my faithful domestic drinks a brimmer of brandy to my long life and continued simplicity. This practice is adopted by some of the most respectable grocers in the city. So much for the propriety of confiding the management of spirituous liquors to none

honest man. That honest men have occasionally participated in this odious employment; that respectable individuals are still engaged in the traffic, there is not the shadow of a doubt; but the basis of their respectability lies not in the fact, that they are the venders of spirituous liquors. Honest and truly conscientious men, day after day, are turning aside from their heart-sickening occupation; they are falling, one after another, into the ranks of some temperance society; and they are among the most valuable seals of its ministration. This simple and voluntary process of moral decimation, in a few years more, will leave the residue of the fraternity in no very enviable predicament. If none but men of sober lives and conversations can lawfully be licensed, and if honest men can no longer be induced to engage in a disgraceful and inhuman traffic, from what quarter shall the licentiates be drawn? Perhaps from among the renegadoes of a foreign land! The legislature of Massachusetts, in the license law of 1832, has happily anticipated and provided for this very contingency, by repealing the legislation of two hundred years, abolishing the necessity of the oath of allegiance, and placing the alien on the very same footing with the native citizen, in the genuine spirit of free trade.

Essential as it is to the dignity of a legislature to pay a respectful attention to the moral requirements of society, it is perfectly absurd to expect of any legislature a panacea, sufficient for all the physical and moral evils of intemperance. The existing license law is a disgrace to the statute book, and a scandal to the Commonwealth; but, if it were the very essence of wisdom and virtue, it would be utterly worthless, if not sustained by the public opinion. Can it be expected that the legislatures of the states, or the legislature of the Union, will pass laws for the entire abolition of ardent spirits? Such legislation is not immediately to be expected. If we wait for this, we wait as wisely as the rustic, who waited for the stream to pass by, that he might reach his land of promise, upon the farther side. The sure and sovereign remedy of total abstinence can only be applied by the universal consent of mankind. Upon

what principle can we continue to introduce these instruments of ruin among the necessaries or among the luxuries of life?

Are inebriants, natural and artificial, correctly classed among the necessaries of life? The opium and maslac of the Turk, the bangue of the Persian, the pinang or betel of the Indian, the millfoil of the Dalekarlian, and the vast variety of distilled and fermented liquors of the Christian—are these things essential to the health or happiness, to the comfort or convenience of mankind? They are defined, by medical writers, to be such things as affect the nerves in a particular and agreeable manner, and disturb the functions of the mind. There is nothing in such a definition to reconcile us to their use. The records of criminal jurisprudence, throughout the world, the grave and deliberate opinions of experienced physicians and civilians, the calendars of all prisons and penitentiaries, the results of coroners' inquests, the returns of superintendants of burials, the multiplying claims of forsaken and necessitous families, and the personal testimony of the drunkard himself furnish together a prodigious mass of irresistible evidence, that the employment of such exciting stimulants is the occasion of more than four fifths of all the crime, wretchedness, and poverty, in the community. To counterbalance this aggregate of evil, we ought not to be satisfied with the fact, and, of course, not with the assumption, that ardent spirits are a luxury; for, if they were, the indulgence in such a luxury, at the cost and charge of health, happiness, and reputation, would be altogether unjustifiable. Nothing, therefore, can justify the use of ardent spirits, which, after every variety of experiment, in various countries of the earth, and under all possible modifications of law, have never been employed without producing an amount of ill, utterly incompatible with the peace and prosperity of mankind: nothing can justify their use, but a clear conviction that they are, for some good reason, classed among the necessaries of life. And is there such a conviction upon the mind of any reasonable creature? The drunkard believes the vulture, that is feasting on his vitals, must continue to receive its accustomed nourishment. But the drunkard is no longer a reasonable creature, and experience has

demonstrated, in cases seemingly inveterate, the perfect feasibility of graduated abstinence, and ultimate abandonment. He has become a burthen to society, his continued existence is important only to himself for the ends of reformation; and, therefore, if ardent spirits were necessary for its preservation, they could not, on this account, be classed among the necessaries of life, in a community, where the continuance of that very existence is a positive evil. Are ardent spirits of any use to the rest of mankind? To the husbandman? Extensive farms are admirably conducted, at the present time, without the assistance of artificial stimuli, by the application of the natural energies of man. The healthy cultivator, in the very spirit of independence, and with a cheerful heart, plucks his bread from the harvest of his own hills and vallies, and drinks the pure and wholesome beverage of God's appointment, from the living spring. Are they necessary to the laborer, or to the mechanic, in any department whatever? Can their necessities be greater than those of the ploughman, who puts his hand to the plough, and turns not back till the day has ended? Or of the mower, who pursues his arduous employment under the influence of a scorching sun? There is a class of men, eminently subjected to peril and fatigue, whose life has been proverbially called the life of the dog; a hardy race, whose habitations are upon the stormy sea—in peace, the quiet agents of the commercial world—in war, the carriers and the keepers of their country's glory. Are ardent spirits necessary to the mariner? A very large proportion of shipwrecks has been caused by the use of ardent spirits, of which a terrible example was exhibited in the loss of the Rothsay Castle; upon which occasion, through the obstinacy of the commander, produced by intoxication, more than one hundred persons were buried in the ocean. More than five hundred vessels are now afloat, that carry no ardent spirits. Commodore Biddle states that of 1107 men, the number in the Mediterranean squadron, 819 had stopped their allowance of grog. More recently, the Secretary of the navy has stated, "that the Pacific, as well as the Mediterranean squadron, has almost entirely abandoned the use of ardent

spirits, and that the subsequent improvement of health has become a topic of remark, among the surgeons and other officers." Ardent spirits are therefore unnecessary to the mariner; and, if so, they cannot be necessary to any human being.

There are vulgar errors in the world, which have not found their way into the catalogue of the celebrated Brown. Is not the notion that ardent spirits are entitled to be classed among the luxuries of a civilized and Christian community, one of those vulgar errors? The disciples of Mahomet, the barbarous Kurd, the lawless Bedouin, the Bosniac, the Druse, the Tartar, and the Turk are forbidden the use of wine, by a law of positive and universal application. In theory, it is easy to admire this general interdict of the Arabian impostor: our practice is a very different affair. *We*, the disciples of Jesus Christ, legalize the traffic in every variety of ardent spirit, incomparably more injurious than the mere juice of the grape, which is prohibited by those, whom *we* designate as barbarians. The prohibition was not an arbitrary edict of Mahomet, but a shrewd and sensible decree. After stating several causes, assigned by various writers, as the motive of Mahomet, Boulainvilliers remarks, "it is not at all necessary to have recourse to either of these stories, for the cause of the prohibition. The false prophet knew well enough how addicted the Arabians were to these debauches, neither could he be ignorant of the terrible effects of the abuse of wine." Such, undoubtedly, was the fact. He had witnessed the brutal condition, to which man is reduced by the use of intoxicating liquor; he considered its fascinating properties; he justly appreciated the absurdity of all attempts to graduate and qualify its use, to adapt its quantity and power to the temperaments of different individuals, or of the same individuals at different times; he justly ascribed to its employment a large proportion of all degradation, poverty, crime, misery, disease, and death; and he was satisfied, that the welfare of society required its positive and universal abandonment. This incomparable magician, but sound and sagacious legislator, felt, and thought, and acted, as a good man feels, and thinks, and would act also, if he had the power, at the present day. He looked upon the full-grown

subjects of his spiritual and temporal power, when under the temptation to gratify their appetites and passions, as we look upon our children; he knew the weakness of their nature; and, being fully convinced that the good, if any, arising to mankind, from the use of inebriating liquor, was the very dust of the balance, compared with the terrible aggregate of evil it produced,—he employed his two-fold authority, as a lawgiver and a prophet, and abolished the poison, without any qualification whatever, over the surface of his wide domain, from the Atlantic to the Ganges. To his keen and penetrating insight into the character of man, it was perfectly apparent, that, for one individual, who would limit his gratification by any reasonable bound, an hundred would transcend the dictates of all discretion. It is a matter of historical record, that Mahomet, as a military chieftain, was greatly perplexed by the spirit of tumult and insubordination, introduced among the soldiery, by the use of intoxicating liquor. He is not the only military chieftain, who has suffered from such a cause. "In our little army," says a member of Congress, addressing the Secretary of the war department on the subject of temperance, "of 5642 men, there have been, it is stated, 5832 courts-martial within five years, of which five sixths are chargeable to intemperance; and also 4049 desertions, of which almost all are chargeable to intemperance. Desertion alone has cost the United States $336,616 in five years."

It is matter for grave reflection, that, in the nineteenth century, the citizens of a portion of the earth, where the Christian religion is professed, are endeavoring, not only unaided by the legislature, but in some instances in direct opposition to the spirit and effect of the law, to remove the means of drunkenness, which were abolished in the earlier part of the seventh century, among the uncultivated and barbarous disciples of the false prophet of Mecca! The Turk, the infidel, upon whom we have been taught to look with a feeling, not unmingled with horror, and whose ignorance we have despised,—it was he, who instructed the Christian, when a scourge was spreading desolation far and wide, in the mystery of inoculation. Intemperance, a

more terrible scourge, the very besom of destruction, has swept away the inhabitants of the earth like chaff. Twelve hundred years ago, the same benighted infidel indicated the only effectual corrective, in a total abolition of the poison. Can it be justifiable to retain any article among the luxuries of a Christian community, to which so many will resort for amusement, for relief from *ennui*, for solace in hours of vexation and disappointment, and finally from that fatal and ruinous relish, which so frequently terminates in the entire prostration of the highest hopes and all the happiness of man? Suppose that ardent spirits were the invention of to-day, and that we were now assembled to decide the question of their introduction into this community, among the luxuries of life: under the presumed condition of things, no one of us, upon whose suffrage the final decision would depend, could be influenced by the force of habit. Imagine, that a voice from heaven should proclaim neither more nor less than the sum total of our present knowledge of all the consequences of their employment,—that they were unnecessary,—that they produced a short-lived and unprofitable exhilaration, commonly succeeded by a proportionate depression,—that a very limited number in the community would be able to use them with moderation,—that it would be impossible to confine their use to that limited number,—that, upon a very large proportion of the family of man, their effects would be precisely those, which we are compelled to witness at the present day, excessive excitation of the nervous system; the promotion of all that is contentious in the nature of man; disease, poverty, disgrace and death, following each other in a rapid consecutive series;—should we, a Christian people, decide in favor of the introduction of ardent spirits into our community, our Christian community, and rank them among the luxuries of life? A proposition, so monstrous, would be rejected, by an indignant and unanimous acclaim. The question, now before the world, is not a question of prevention but of remedy. We ask not, if, for the first time, you will put on these fetters of shame; but, if, by the collection of all your mental and moral energies, you will strive to break them asunder. They are

indeed the very bonds of iniquity, presenting, together with the present and prospective evils of slavery, the most important item of deduction from the sum total of our national happiness. Truly may we say to the inhabitants of the most favored nation of the earth, in the language of the apostle to Agrippa, that we heartily wish they were "not only almost but altogether such as we are, *saving these bonds.*" If, for the reasons we have stated, ardent spirits cannot be classed among the necessaries, nor among the luxuries of a Christian community, it is our imperative and solemn duty, in view of all temporal and eternal obligation, to man and to God, to drive them altogether from the land. There is no other method within the compass of human ingenuity, by which we may effectually dry up the sources of these mighty waters of strife. Tea, that universal beverage, was not so precious in the estimation of our fathers or of our mothers, in those memorable days, which were said to have tried men's souls, that they could not resign it cheerfully in the cause of liberty. Shall we refuse to resign a poisonous and brutalizing drink, to avoid the evils of slavery, and death, which comes at last, to finish a career of sin, and sorrow, and disease, and poverty, and shame? If there be a cause on earth, in which we have a right to expect universal co-operation, it is the cause of temperance. Where is the man, who can withhold his sympathy? There lives not a human being, though a spot of sunshine may rest upon his own roof tree, who can look around upon the group of his collateral relations and connexions, and honestly aver, that there is not a drunkard among them.

The drunkard, the *voluntarius dæmon*, as he is styled by Sir Edward Coke, is the same voluntary madman that he was in the days of that eminent civilian. He may be found, at present, as of old, the same self-degraded being, of every age, and in every rank and station of life. Those silver hairs, which, to a respect for the character, so frequently add an affectionate reverence for the person of a good old man, are too often brought to the grave with less of sorrow than of shame on the drunkard's brow, adding tenfold to the world's reproach and

the wearer's infamy. The accomplished gentleman, the man of letters, of taste, of fashion, staggering under the influence of the more costly stimulus, his "old particular," or "Joly's brand," reeling homeward from his Bacchanalian revel, stumbles over the bloated carcass of the common drunkard, who lies upon the foot-path, before the door of that amiable citizen, the vender of drams; having contrived to be as happy as his more courtly neighbor, at a cheaper rate, upon New England rum. The beardless candidate for bachelor's degree, rushing forth from his riotous debauch, is arrested in his progress to the billiard-room or other scenes of dissipation, and, in despite of his classical improvisations in Greek and Latin, consigned for reformation to the watch-house. The wretched and ragged vagabond, who, in the phraseology, emblazoned on the sign board of Hogarth's gin-shop, may be "*drunk for a penny, and dead drunk for sixpence;*" who is sober only to steal, and steals only to be drunk; who has yielded his last farthing to that honest Christian, the dram-seller, and is now turned out of the work-shop of destruction, to slumber in the gutter;—when rebuked for his abominable life, may make his selection and justify his practice, by the example of the lawyer, the physician, the very judge upon the bench, or the public officer, who has dined out, in the way of his duty, and is drunk *ex officio*. The public functionary, conscious of his own obliquities, passes his co-ordinate, the more vulgar drunkard, with a nod of recognition, and a feeling of sympathy. The man of business, who has not yet acquired the habit of restoring his drooping faculties at eleven, and whose ideas are not in a state of confusion before two, may frequently be seen, when the hours of occupation are past, bearing, in his bewildered eye, and unsteady step, and that expression of defiance, which seems to anticipate contempt, his post meridian testimony in favor of the potency of alcohol. The father, under the influence of the drunkard's draught, staggers in the presence of his child; the mother catches the contagion from the husband; and the example of both parents becomes, at last, irresistible before their children. These are the simple realities of life. Disgusting as they are, they are the lighter

touches of a picture, whose shadows are dark and deep. The fairest issues of intemperance are loss of reputation, loss of property, loss of friends, disease, misery, insanity, suicide, the halter of the executioner, and the knife of the anatomist. It might not be unprofitable to descend from generals to particulars, and to contemplate the effects of intemperance, in all the diversified exemplifications of the drunkard's career. The reports, and especially the very valuable reports of the American Temperance Societies, are the grand repositories of these pictures of infamy and crime. We have not the heart to present them before this assembly. The very catalogue, and that alone we have ventured to exhibit, may teach us to exclaim, in the tone of deep humiliation, What is man! In these galleries of horror, we have innumerable examples of miserable beings in the dungeon or the mad-house, under the influence of *mania a potu*, that species of insanity peculiar to the drunkard. Here the helpless infant is represented as perishing by the father's or the mother's hand; there the husband is the destroyer of the wife by poison or the dagger; on one side, you may behold the wife, alone, or, aided by her paramour, plunging the poniard, to the hilt in the bosom of her sleeping husband, and, on the other, the son or the daughter giving us the reality of that very crime, which never entered into the conception of the Athenians, the hand of the child stained with the blood of a father or a mother. There is not an example, supposed in this revolting catalogue, which has not been presented before the courts of our common country, the criminal having been stimulated by ardent spirits for the perpetration of the crime. Turn not away, my friends, from these frightful exhibitions. They are indeed realities, which beggar the wildest efforts of imagination; they are among the most disgusting pictures of physical and moral ruin; but they are pictures of real life. Engrave them upon the tablet of your memories; repeat them to your children, as soon as they are able to discriminate between that which is fair, and that which is loathsome; bear them about for amulets and charms, against the first insidious approaches of that Leviathan of human diseases, which enters the heart, and "taketh its pastime

therein ;" a distemper, which corrupts the body, and, like a creeping and corroding cancer, fastens its fangs upon the very soul of man.

Imagine not, that the actors in these tragedies of death and destruction are always to be found among the vilest of mankind. Talent and learning, rank and fashion, beardless youth and hoary age, the obligations of official station, and the solemn professions of Christianity have been found to afford no infallible protection against those allurements, which promise an easy gratification of this unnatural appetite ; a promise, not likely to be fulfilled to the miserable victim, reduced from affluence to penury, from respectability to contempt, from health to sickness, from freedom to imprisonment—a promise not likely to be fulfilled to the houseless outcast, spurned, for his incorrigible vice, from a father's door ; doomed to encounter a brother's frown, a sister's anguish, the averted eye of an early associate! His children fly from his approach, and bring tidings to the wretched mother, that the monster comes ! He comes !—the once honored father—the kind and tender husband—the worthy citizen—the faithful friend—the professing Christian !—Alas ! how changed ! The wife, imbued, perhaps, by the precept and example of a pious mother, with the principles of a living and a lasting faith, has escaped the contagious example of her worthless husband : she has buried her sorrows in the bosom of her God. The holy volume lies open upon the table. In that volume, at that very table, a twelvemonth has scarcely passed away, since he delighted, in the circle of his little family, to read of the promises of God ! He staggers to the spot, and, sustaining his tottering form upon the holy book, his first ejaculation is an oath ! How powerful, how rapid has been the operation of rum's tremendous alchymy ! All personal regard, all form of comeliness are gone ! The decrepid and broken old man, at thirty-five ! The bloated cheek—the filthy beard—the dropping chin—the swollen tongue—the blood-shot eye—the matted hair—the crownless hat—the worn-out shoe—the ragged coat ! His first act is a deed of violence : he seizes the pittance, the hard earnings of the worse than widowed mother, destined to purchase bread for his starving children ! He bears it in triumph

to that *honest man*, who first initiated him in the mystery of drunkenness, who was the prime minister of misery, who well knew the effects of the poison he administered, who observed, from day to day, the rapid process of destruction, the unsteady step, the trembling hand, the thickening speech, the faltering tongue; who noted the first tokens of approaching ruin, the forsaken shop, the fallen fence, the neglected farm, the abandoned wife, the sabbath-breaking child, the importunate creditor, the sheriff, and the jail. But these accumulating ills are of no importance to the dram-seller. In the popular phraseology of the day, they are *none of his business*. Careful man! He knows the character of his customer, and he deals for cash only! Follow the drunkard a little farther. He has poured the last deluge on his soul. He has expended the last farthing in rum. That universal philanthropist, the dram-seller, enables him to find the way with the bottle to his pocket, and supports him to the door—it closes behind him for the last time—the beams of the morning sun discover the victim of intemperance, lying as he fell, his limbs stiff in death, and half concealed by the drifted snow. Here is no poetry, no fiction of the brain. Some similar example, of a milder or more aggravated type, is of continual occurrence, in almost every considerable village of the commonwealth. The miserable martyr may be spared the ignominy of dying on a heath; but his is the drunkard's death, whether upon a bed or a scaffold.

And what is the drunkard's death? Is it a natural or an accidental death? It is obviously not a natural death. Is it an accidental death? The drunkard dies, and, upon a careful examination after death, the skilful physician, the highest authority on such a point, in a court of law, declares, without hesitation, that his death was caused by spirituous liquor. Can such a death be denominated accidental? The acts of the dram-seller, who sells, and of the drunkard, who drinks the alcohol, are voluntary acts; and the proofs, clear and incontestible, that life is shortened, and death produced by the use of it, are as universally known and appreciated, as that death is produced by arsenic. Here then are the will and the knowledge; the

will to do the act, with a full knowledge of its probable effects. Such can neither be an accidental nor a natural death. Can it be possible, that when a drunkard dies of hard drinking, somebody is guilty of murder? Nobody has ever been executed or even indicted for such a murder. The law deals in distinctions, but it is not easy to discover a sensible ground of distinction, between the criminal intention of two individuals, one of whom poisons with arsenic, and the other with alcohol. Both are poisons. Dr. Carter calls alcohol a *poison.* Dr. Harty, of Dublin, earnestly recommends the entire disuse of such *poison.* Dr. Hitchcock, in his address, calls it a *poison.* Dr. Drake, of Ohio, denominates alcohol a *deadly poison.* Dr. Kirk, of Scotland, observes, "ardent spirit contains a narcotic stimulant, possessing similar properties with opium, which you all know to be a poison." The celebrated Sir Astley Cooper states, that spirituous liquors and *poisons* are synonymous terms. The means, the instrument of death, are therefore the same. The distinction lies not in this. But the law requires, that the death should occur within the year; yet, as the drunkard frequently dies within a much shorter period from his first irregularity, we are still unable to lay our hand upon the distinction. Perhaps we are mistaken in our ideas of murder. What is murder? It is felonious homicide, which, in the words of Hale, is "the killing of a human creature, without justification or excuse: this may be done either by killing one's self or another person." Such is the legal definition, and surely it comprehends the case of the drunkard and the dram-seller. But you will very naturally say, the dram-seller went not after the drunkard; he rushed upon his own destruction; the folly and its consequences are his own. The law will not justify you in any such opinion. "He, who kills another upon his desire or command," says Hawkins, in his pleas of the crown, "is, in the judgment of the law, as much a murderer, as if he had done it of his own head." The distinction lies not in this. But you all know, that there can be no murder, in the eye of the law, without deliberate malice, and you ask, where is the malice prepense? A striking disregard

of human life is presumed, in certain cases, to constitute that malice. If one man advise another to poison himself, and he poison himself the rather in consequence of such advice, this is murder in both. Or, if a person throw logs over a fence, near a public highway, to save himself trouble, and a passenger is killed thereby, this is murder in the offender. Or, if a man let loose a beast, wont to do mischief, and it kills a human creature, this is murder in that man, though he let the beast loose only for sport. Now, it is absolutely impossible to discover less of that recklessness of consequences, that constructive malice, in the conduct of the dram-seller, than in either of the cases we have cited from the reports. We know not where to look for the distinction. "If a man," says the great and learned lawyer, whom we last quoted, "if a man does such an act, of which the probable consequence may be, and eventually is, death, such killing may be murder, though no murder be primarily intended." And when the dram-seller does such an act, of which the probable consequence may be, and eventually is, death, such killing may be murder, though no murder be primarily intended. The force of habit may blunt our perceptions of identity, where no rational distinction can be shown to exist. Rum-shops and ruin, dram-sellers and drunkards are so exceedingly common; we have become so perfectly familiarized to the consequences of their existence, in the forms of pauperism and crime, disease and death, that we are scarcely prepared to think and speak as freely and as forcibly as it deserves, of an occupation, which is often conducted in so very genteel a manner, and which is suffered under the sanction of positive law. But it is my duty, in this place, and upon the present occasion, to deliver my opinions, in the fear of God, and in the confidence of truth; and not to suppress a jot or a tittle of their force, lest they may ruffle the equanimity of one man, or cross the prepossessions of another. Let me say then, with a solemnity becoming the occasion, that I can perceive no difference between a murder of a fellow-creature upon a heath, by a highway robber, and the murder of a human being by a dram-seller, who knows the character of the poison he administers, and its

probable effects, and who witnesses the increasing activity and virulence of the poison, from day to day, until he learns at last, that his miserable victim is no more. The rationality of such an opinion is further sustained by the reflection, that the tippler is commonly the weaker party; that he is detained within the influence of the destroyer, by a species of infatuation; while the dram-seller, as conscious of his power, as the serpent or the basilisk, is actuated by a mean and a mercenary motive, which should never be permitted to prevail against the tremendous aggregate of human wretchedness, resulting from a traffic, as inhuman as the traffic in human flesh; a barbarous occupation, where the dram-sellers are cold and calculating drivers, and the drunkards are voluntary slaves.

The ancient inhabitants of Egypt bore the infirmities of their kings with consummate patience, while they lived, but, upon their demise, proceeded to a formal trial of their characters and actions; and the prospective dread of a verdict of condemnation, to be handed down to future ages, exerted a profitable influence over the conduct of the living monarch. If we were here assembled to sit in judgment upon the departed, not of the lower order of drunkards, but of those who have filled official stations, in a single county in the commonwealth, what an extraordinary assemblage should we be obliged to summon from the drunkard's grave! There is a classical maxim, which teaches us to speak no evil of the dead, and no maxim is more susceptible of a false interpretation. It is pertinent, in every case, in which the dead, if alive, could defend his character and conduct from unmerited reproach. Such, assuredly, can never be the condition of the drunkard. No mortal evil, which may befal us in the checkered paths of our earthly pilgrimage, can afford a sufficient apology for seeking consolation from the bottle, when, by the blessing of God upon human effort, the Bible is at hand, in every section of our country, from the mouth of the Oregon to the outlets of the Kennebec; in the rich man's palace of the East, with its gorgeous binding and its clasp of gold; and, perhaps as diligently read, though in an humbler form, in the log hut of some lonely tenant of the western wilderness. The

drunkard who lives a diseased and degraded life, and dies a death of poverty and shame, when his last dram finishes the work, when the corrupted mass of tenantless clay is about to be laid in the tomb, by the side of those receptacles of death, which hold all that remains of a father, whose precept and example were vain; of a mother, whose gray hairs were brought in sorrow to the grave; of a wife, whom he promised to love and to cherish, but whom he neglected and abused, till, day after day, misery gathering upon misery, quenched the gay light of her eye, gave to her cheek the lily for the rose, and changed her heyday hopes of happiness on earth, for a broken spirit and a broken heart; shall he, who, for the gratification of his unnatural appetite, made light of the happiness of others, shall he lay claim to exemption from posthumous reproach? The criminal, who suffers on the gallows, is delivered to the anatomist; and the benefit, arising from the dissection of his body, is a trifling offset against the evil he has rendered to his fellow-man. The memory of an unprofitable drunkard, who has cumbered the earth, should never be suffered to fade away from our recollection. We should exhibit it, in all its disgusting horrors to our children, as the Lacedæmonians exhibited their inebriated slaves. As the felon is taught to expect the consummation we have named, as the end of all his crimes; so the drunkard should be instructed, by the common practice of mankind, to anticipate, that his memory will be covered with perpetual disgrace.

The success, which has hitherto attended the efforts of the friends of temperance is perfectly amazing. A moment's reflection, upon their feeble and inauspicious beginnings, may teach us not to despise the days of small things. There was a time, when the dram-drinker drank his raw rum to the long life of the cold water man, and when the dram-seller chuckled over their seemingly impotent exertions, as he put the wages of iniquity into his till. These indications of complacency, on the part of the friends of intemperance, are less frequently exhibited. But a cursory survey of the present condition of society, will satisfy the friends of the temperance reform, that their labors

have barely begun. A few months only have passed, since we were notified, through the public journals, that a "large and respectable" number of the grocers of the city of Boston, at an organized meeting, unanimously resolved, that they viewed, with deep regret, the proceedings of the "self-styled friends of temperance." They, the venders of ardent spirits, viewed with deep regret the proceedings of the self-styled friends of temperance! Undoubtedly they did. How completely blinded by self-interest must that man have become, who ventures to proclaim, in a society of individuals, professing to be Christians, that he views, with deep regret, the proceedings of a party, on whose benevolent exertions the God of justice and of mercy vouchsafes a smile of approbation! The self-styled friends of temperance! This epithet of reproach may lawfully excite a smile, coming as it does from a class of men, who are more intent upon selling drams than mending morals. But which of these two fraternities has the greater right and the weightier reason, for deep and lasting regret, while it contemplates the proceedings of the other?—the friends of temperance, or the venders of drams?—the very ministers of destruction, who feed the fires of physical and moral desolation; or they, who in the genuine spirit of Christian philanthropy come down to the rescue, and snatch the brand from the burning? Let me appeal to the fond father, who has watched the progress of intemperance, in a much-loved and amiable child, from the first moment of aberration, until that hour—an age of agony—when the terrible conviction sunk and settled in a father's heart, that his child was lost! Let me appeal to the brother, who is doomed to call him brother, who is called a drunkard by the world! To the sister, who is constrained to shun, in the bloated and ungovernable monster in her path, the brother of her childhood, the companion, the playmate of her days of infancy! To the worse than widowed wife! To the still more miserable husband! Let us pass on. But there is another, the widowed mother of an only son; and I appeal to her. He was her stay and her staff, the support of her declining years. The ruddy glow of health has given place to the

feverish flush; that brow, until of late so calm and untroubled, is checkered by the finger of anxiety; the latch is lifted at a later hour, and more stealthily from night to night; a mother's anxious inquiries are evaded; the kind good-night of a dutiful child is exchanged for that bearing of shame and defiance, which seems to anticipate a parent's frown. He ascends to his apartment—her suspicious are awakened. But can it be thus! Can the precept, the admonition of years have been thrown so utterly away. She creeps softly and silently to the bedside of her sleeping boy. There he lies—but the parched lip, and the hectic fire upon his altered countenance; the laboring breath and the heaving chest, and those eyelids half open, and that starting limb! Can exhausted nature be repaired by such unprofitable slumbers? The mother gazes with the tenderest anxiety upon the object before her; but another image is presented upon the tablet of her memory, sadly contrasted with the reality in view. How often, has she approached that same bed, and knelt by its side, in silent prayer for the preservation of her child! How often, as she rose, has she taken her last look, for the night, of the pride of her heart, the image of one who was no more! Then his slumbers, calm and unruffled, were the sleep of peace, and happiness, and health; but now they are the workings of a troubled spirit. Yet a mother can love on, and hope on, when the world is ready to despair—she bends in anguish over the form of her unhappy child—she is yet unwilling to believe the worst—she moistens his cheek with her tears—and, as she advances her lips to his, the pestilential vapor, the tainted breath reveals the miserable truth—she suddenly recoils—even a mother recoils, when she realizes, in this, the destruction of her hopes on earth, and the ruin of her only child. In such a cause as ours, we invoke the influence of this unhappy, forsaken being. Her voice may be of no avail, but there is an imperative argument in her tears of misery, which is recorded in heaven, and is entitled to be respected on earth.

Let us separate, my friends, not with a vague and indefinite sentiment of superficial philanthropy; not with a bald and un-

profitable conviction, that it is very wrong to be very drunk, and that it is quite improper to sell ardent spirits to any individual, who is a notorious and troublesome drunkard. Let us hold the opinion rather, that the sale of ardent spirits, in any form, and in any quantity, is a great moral nuisance, injurious to man, and offensive to God—and that, while the sale of it continues, so far from not selling it to drunkards, it should be sold to drunkards alone, who will speedily pass away, and leave a wholesome and temperate generation behind. Let us therefore resolve, before our present feelings and impressions shall mingle with the materials of our dreams, or be lost in other considerations and cares, to lend our influence, our precept, our example, our personal exertions to that excellent association of the wise and good, who, without any distinction of party, or sect, or profession, or age, or condition, are rapidly combining into one great national phalanx, for the extermination of intemperance from the land of our nativity.

APPENDIX.

The Massachusetts Society for the Suppression of Intemperance held a meeting on the 31st day of May, (Dr. J. C. Warren presiding) for the purpose of considering the state of the Society, its past and present relations to the temperance reformation, and the means by which its activity may be rendered to the utmost available for the purpose of its institution.

The meeting, which was continued by adjournment through eight evenings, was held in the Supreme Judicial Court Room, and was attended by a large concourse of gentlemen interested in he temperance reformation, in addition to an unusually large number of members of the Society.

A new Constitution was reported to the Society, and on an amendment to the first article, which contained a *pledge* of abstinence from distilled spirits, the interesting discussion arose which occupied a large audience to a late hour for seven evenings.

The discussion which was in order confined to the question of the expediency of introducing a Pledge into the Constitution, the duty of total abstinence from the use of ardent spirits as a drink being acknowledged on all hands, was terminated on the evening of June 27, by a vote of 18 in the affirmative and 9 in the negative.

Monday, July 1st, 1833.—The Society met according to adjournment, Dr. Warren presiding, to consider the remaining articles of the Constitution reported by the committee on the 20th of June. After some discussion and amending, the Constitution was adopted. [It is attached to this copy or record of the meeting of the Society.]

The Society then proceeded to the choice of officers, it having been decided that the present members of the Society would

not be required to sign the Pledge introduced into the new Constitution. The following gentlemen were unanimously chosen :

President,

J. C. WARREN, M. D.

Vice-President,

Hon. W. SULLIVAN.

Corresponding Secretary,

Rev. HOSEA HILDRETH.

Recording Secretary,

J. G. STEVENSON, M. D.

Treasurer,

LEVI BARTLETT, Esq.

Counsellors,

MOSES GRANT, Esq.
WALTER CHANNING, M. D.
JOSHUA B. FLINT, M. D.
Rev. GEORGE RIPLEY.

On motion of Mr. Grant, it was

Voted, That in the opinion of the Society it is expedient that a State Convention of the Friends of Temperance should be held in the town of Worcester, on September next.

Voted, That the friends of Temperance in each town in the Commonwealth, and the Temperance Societies throughout the State, be requested to send two or more Delegates to the Convention.

On motion of Mr. C. Brown, it was,

Voted, That the Committee of Finance, to be appointed under the new Constitution, be requested to procure subscribers to this Constitution, and also to obtain donations in money ; and that the names of donors be recorded in the book which contains the list of members.

Voted, That not less than four thousand copies, of the annual Address delivered before the Society, by L. M. Sargent, Esq. in May last, be printed for the Society.

The following Resolutions were unanimously adopted:

Whereas, the cause of temperance can be promoted in no way more effectually than by a diffusion of all useful knowledge connected with the subject: and whereas the Temperance Journal, a paper printed in this city, and devoted entirely to the cause of temperance, and conducted hitherto with discretion and ability, is entitled to the support of the friends of temperance,

Resolved, That the Massachusetts Society for the Suppression of Intemperance recommend this journal to the public, as entitled to their patronage.

Resolved, That this Society agree to subscribe for one thousand copies of said Journal for gratuitous distribution, in such manner as the Government of the Society think most useful.

After the transaction of some other business, the meeting of the Society was dissolved.

J. C. WARREN, *President.*

J. G. STEVENSON, *Sec'y pro tempore.*

CONSTITUTION

Of the Massachusetts Society for the Suppression of Intemperance.

PREAMBLE.

WHEREAS, the Massachusetts Society for the Suppression of Intemperance was instituted twenty years ago, (May, 1813) at which time the precise duties of the promoters of Temperance could not be defined by any experience; and it being now known that a great change has been wrought in public opinion as to the using of ardent spirits; and as this change must be attributed to the influence of Temperance Societies, applied through the press, through precept and example; the members of this Society are encouraged to persevere in their efforts to promote Temperance. To this end, and aided by the light of experience, the Society deem it expedient to revise and amend their Constitution. Wherefore, the present members, with grateful respect to the benevolent founders of this Institution for their humane and christian efforts to promote the welfare of their fellow-men, and hereby intending, (so far as they may be enabled to do so,) to follow their worthy example,—do now adopt the following, as

The amended Constitution of the Massachusetts Society for the Suppression of Intemperance.

Art. 1. The members of this Society pledge themselves that they will not use any distilled spirits as a drink, nor provide them as an article of refreshment for their friends, nor for persons in their employment; and that they will, in all suitable ways, discountenance their use in this community.

Art. 2. The officers of the Society shall be a President, Vice President, Corresponding Secretary, Recording Secretary, Treasurer, and four Counsellors—who shall be elected at the annual meetings—and together constitute a Board of Council for managing its concerns. Three of the above officers, one being the President or Vice President, shall be authorized to act at any meeting regularly called.

Art. 3. The officers of the Society shall have power to fill vacancies which may occur during the year for which they shall be elected; to cause to be printed and distributed any tracts or essays; to correspond with Temperance Societies; to employ agents; and to take all other measures which they may think expedient to suppress Intemperance.

Art. 4. The annual meeting of this Society shall be held in the month of May, and other meetings of the Society may be held when and where the Board of officers may direct; and whenever nine members of the Society shall, by written application addressed to the President, request of him to call a meeting, he shall on such request, call a meeting, as soon thereafter as conveniently may be.

Art. 5. The Board of officers shall appoint a committee of five members, who shall devise ways and means for collecting money by subscription, donation, or otherwise, for the use of the society; and who shall pay to the Treasurer of the Society all money by them so collected; and who shall examine the Treasurer's accounts, at some convenient time before the annual meeting, and certify the state thereof to the Officers of the Society, that the same may be reported to the members, at their annual meeting. The said committee shall be called the Committee of Finance.

Art. 6. It shall be the duty of the Treasurer to pay all demands against the Society, which the Board of officers shall order to be paid; and such order shall be a sufficient voucher for making such payment.

Art. 7. Every person who shall hereafter join this Society, shall subscribe this constitution in a book kept for signatures by the Secretary, and shall be deemed to have assented to this Constitution, and shall be considered a member of the Society, and qualified to attend its meetings, and to vote on all matters to be determined therein.

Art. 8. An annual payment of two dollars shall be required of each member of the Society.

Art. 9. This Constitution may be amended at any meeting of the Society, provided that notice be given, in three or more newspapers printed in Boston, ten days before the meeting at which any proposed alteration shall be considered, that it is then intended to consider the expediency of altering the Constitution; and at such meeting, or any adjournment thereof, the majority of members present shall have power, by their duly ascertained vote, to alter and amend this Constitution, as they may think expedient.

A true copy.

Attest, J. G. STEVENSON, *Rec. Sec'y.*

To the Friends of Temperance.

THE TEMPERANCE JOURNAL is devoted solely to the promotion of temperance, with an especial care to the exclusion of party or sectarian matter. It has a rapidly increasing subscription list, and at present supplies, in New England, the place heretofore filled by a publication of the New York State Temperance Society.

It will be the aim of the Publishers to render their paper worthy the cause it advocates; and nothing, they believe, but the active co-operation of their friends is wanting to insure its usefulness and success. The friends of temperance, who have at all considered the subject, are aware that nothing but the diffusion of information is needed to add vast numbers to the reform which already embraces one million and a half of the population of this country. The New York Society already circulates one hundred thousand copies monthly.

To encourage Temperance Societies and individuals to give our paper an extensive distribution among the poor and *needy* of our land, the Publishers will put them at 25 cts. yearly, when 40 or more copies are taken.

We refer to the annexed recommendation :—

"The undersigned are of opinion that the cause of discontinuing the use of ardent spirit, is the better information which has lately been spread in this country and elsewhere. It is now well known as unnecessary, and injurious to health, among all persons who have considered the subject, to use spirits of any kind. The like change for the better can be made among other classes of persons, if the like information could be communicated to them. The only thing necessary, it is believed, is to state the truth of the case. One of the cheapest and easiest modes of doing this, is through periodical papers, to be had at a small cost. The paper called the TEMPERANCE JOURNAL, published by FORD & DAMRELL, of Boston, appears to be a very useful means of communicating this information where it is most needed. We, knowing the support promised to this paper, and approving of the numbers heretofore published, respectfully recommend it to the patronage of all persons and Temperance Societies, who desire to see the principal cause of public wrongs and domestic miseries removed and extirpated.

WILLIAM SULLIVAN,
JOHN TAPPAN,
JOHN C. WARREN,
JOSHUA B. FLINT,
AMOS LAWRENCE,
STEPHEN FAIRBANKS,
RICHARD FLETCHER,
LUCIUS M. SARGENT,
MOSES GRANT,
ENOCH HALE, JUN.,
WILLIAM W. STONE,
AMASA WALKER,
BENJAMIN SEAVER,
ELISHA TOWER.

BOSTON, MAY, 1833.

AN

ADDRESS

DELIVERED BEFORE THE

MASSACHUSETTS

STATE TEMPERANCE SOCIETY,

May 31, 1835.

BY REV. SAMUEL K. LOTHROP.

PUBLISHED BY REQUEST OF THE COUNCIL OF THE SOCIETY.

BOSTON:
PRINTED BY JOHN FORD,
AGENT OF THE SOCIETY.

1835.

ADDRESS.

The cause of the temperance reformation is a holy cause. Its object is unquestionably and unequivocally good. Its progress is of immeasurable importance to the civil prosperity and moral welfare of the community. It is intimately connected with all the great interests of man as an inhabitant of earth and an heir of heaven. Every one, therefore, to whom human good is in any degree a motive of action, ought to feel, that if he can do any thing or say any thing to help forward this great cause, it is his duty to do it and say it. However weak his arm, however feeble his tongue, he may not innocently withhold his aid.

Influenced by these considerations, I have not felt at liberty to decline the invitation to appear before you this evening, as the organ of the Massachusetts State Temperance Society. Though an abler advocate might have been selected, I felt, that when selected I ought not to decline; and being convinced, that if I spake in the spirit of the great subject under consideration, those who in the same blessed spirit came to listen, would hear me with candor, I determined to speak, though upon a theme so common, I could not expect to say any thing new; from a harp so often struck, though of a thousand strings, it would be impossible for me to produce a new tone. To all of us, as Christians and Americans, as philanthropists and patriots, the temperance reformation, in every view of it, is a subject of momentous importance, and of grateful as well as painful contemplation. I say grateful, for it is bringing back joy and peace to our families—health, prosperity,

and virtue to our cities and villages; and shedding a new and brilliant glory upon our country. "A nation of drunkards," was the stigma not many years since cast upon us in Europe; since then, an agent of the American Temperance Society, has traversed the ocean to awaken the slumbering capitals of the old world to their duty, to bring them into the great temperance combination, and to instruct them in the only principle by which the objects of that combination can be effected. Great was our country and glorious, in the days of her early vicissitude, great, when in adversity and disappointment, in privation and suffering, she would not cringe for the friendship, nor tremble at the frown of England, but nerved her infant arm and snapped the cords of persecution and oppression, in which her island mother sought to bind her. But greater and more glorious is she now, a more lofty deed does she now achieve, a more noble purpose does she now effect, when in power and prosperity, she rises in the energy of moral principle, to banish intemperance from her borders, and pour upon the ground the unhallowed waters of its poisoned chalice. To our country belongs the glory, and it is one of the brightest pages in the record of her fame, of being first and foremost in the temperance reformation. And we may well be grateful for this pre-eminence; for if any thing can save our country from destruction, if any thing can make this land of our birth, the land of our love and our pride, the land of freedom and of virtue, with its liberties, its peace, and its prosperity, secure and eternal, it is the success of this reformation. God grant that it may be successful! God grant that from every hill and valley, from the seaboard to the far west, the voice of renovated and improving health may be heard, and that generations after generations may here arise, who, nurtured in the school of temperance, shall prize their birth-right and preserve their privileges, become the protectors of the oppressed, the terror of tyrants, the champions of civil and religious liberty.

And the hope of its ultimate success and final triumph grows brighter and brighter. The temperance reformation has now got beyond the power of its enemies to stop or subdue it.

If it fail now, it must fail through the negligence, desertion, or folly of its friends. There is an array of numbers and character, of talents, respectability and virtue now engaged in this great undertaking, by which public opinion must ultimately be guided and controlled. Men of every religious denomination and every political party, of every age and every condition of life, have entered into it. All inferior considerations are forgotten in the immensity of this. Political jealousies and sectarian strife, local prejudices and local dissensions, are all laid aside. Hearts that have never sympathized before, sympathize here; and they who could unite in nothing else, unite in giving their prayers, their time, their example, and their influence to this glorious cause. There is something morally sublime in the spectacle which the temperance combination thus presents. No selfish or unholy motive enters into it. It is not a combination for authority or office, for wealth or power, for the building up of a party, or the establishment of a sect,—but for the diffusion of happiness. All it asks for, is leave to give society "beauty for ashes, the oil of joy for mourning, the garment of praise for the spirit of heaviness." It is the triumph of principle and right feeling, of Christian piety and Christian benevolence, over passion, prejudice, interest and habit. It can not be, but that "God will give it his blessing, and every good man his help."

But though much has been done, and we may reasonably rejoice in the good that has been effected, more, infinitely more still remains to be done; and I should be false to the duty assigned me, did I waste your time in indulging in idle declamation upon the past.

The object of the temperance combination is to suppress intemperance in all its forms, to establish such manners and habits in all classes of society, as shall remove the shame of drunkenness from the community, and prevent the intemperate use of any exciting and stimulating liquor. For this purpose it has selected ardent or distilled spirits "as the head and front of the offending," and made it the first object of its exertions to do away the manufacture, the sale, and the use of this as a

drink, on the ground, which experience I apprehend has thus far proved to be correct, that in proportion as ardent spirits were disused, the principle of temperance would prevail in the community, and all the other less powerful and less dangerous stimulating liquors be more sparingly and temperately used. Whether there will, or will not, be equal wisdom in adhering to it, remains to be determined. It is not my purpose, however, to discuss this point at present; it may become a subject of consideration in a subsequent part of my remarks; I would now confine myself to the universally acknowledged principle of the temperance combination, total abstinence from ardent spirit, and to the universally acknowledged object, at which that combination has aimed, viz., to confine this article to those purposes, and haved it used only on those occasions, in which science and experience have triumphantly proved that it is alone necessary and alone useful.

There are three classes of persons in the community who oppose this object and hinder its accomplishment. The first is composed of the drinkers of ardent spirit, moderate and immoderate, who are unwilling to forego their own gratification; the second, of the traffickers in ardent spirit, from the gill-seller, to the hogshead-seller and the ten thousand hogshead-maker, who like Demetrius of old, "fear to lose the no small gain it brings the craftsmen"; and the third includes all those who carry the doctrine of total abstinence so far, that they not only abstain from drinking spirit, but abstain from acknowledging the fact to the world, and refuse to pledge themselves to do, what for many years they have, unpledged, been faithfully and uninterruptedly doing.

To these three classes, my remarks will be addressed. To these I would speak, not in the language of anger, or ridicule, but of love; not in the pride of superior virtue, but in the humble spirit of Christian benevolence. I would use no weapon but that of truth, no manner but that of kindness. I would appeal only to reason, to conscience, to the heart, and aim, by the strong argument of facts, by stern convictions of duty and the persuasive voice of pity, to induce these to relin-

quish the manufacture, to withdraw from the traffic, to abstain from the use of an article that certainly does no good, and is as certainly doing an infinite deal of harm in the community.

I address myself first to the drinkers of rum, moderate and immoderate. There is not, I trust, I am sure there is not an immoderate drinker of rum within the sound of this voice. The time for that is now passed. There was a period, melancholy in the extreme to those who remember it, when a promiscuous assembly, of any magnitude, could scarcely be called together for any public purpose, without embracing in its number many forms of reeling, bloated, trembling, degraded drunkenness. But this has now passed, thanks be to God! and what was once a daily exhibition of our streets and assemblies, is now so rare, that the sight produces in all a shudder, a faintness, a sickness of the heart. Yet though rare, it is not completely removed. Though comparatively seldom seen in the streets, how often might it be found in the dwellings; among the families of this city, how many, how many might be found, whom intemperance has made and daily makes miserable? There he stands, the awful, the degraded, the pitiable victim of this fearful vice! there he stands, accursed of God, aloof from men. "He was once worthy of a happier destiny; he stepped upon life's pathway rejoicing in purity and hope. He was blessed with a frame for vigorous action, and a heart for the world's endearing charities. His eye loved the beauties of nature, and his soul adored the goodness of nature's God;" but in an evil hour, he yielded—and what has strong drink done for him, for his body and his soul. He is in the prime of manhood, but a decrepitude worse than that of age is upon his frame. He should be in the very vigor of moral strength, with a mind clear and active, a heart glowing with generous affections and pure emotions; but he has become a very fool in his thoughts, a fiend in his dispositions and feelings. He is perhaps a husband and a father. In the days of his innocence his worth and kindness gained the love of one, whom for a time he made an honored and a happy bride. The heritage of the Lord is his; children innocent, helpless,

immortal, have been entrusted to his care, but the home where they should have been nourished and nurtured and made happy, has been changed into a dwelling of woe and wretchedness, that it makes the heart sick to look at. Oh! go to your home, drunkard—if home your miserable abode may be called—go to your home, if you would behold the extent of the misery and degradation you have brought upon yourself and others. Behold those sickly, squalid, famished children, crying for bread, but crying most at your presence, drunken, infuriated, brutalized; look at that pale, care-worn, dejected woman! That woman is your wife. You promised before God's altar, to love and cherish her; in the simple faith of confiding affection, she entrusted herself to you. You have deceived, wronged, abused her. She has never reproached you. She buries her sorrows in her bosom, and bears without complaint; but she is sinking into the grave of a broken heart. Can you look at all this; can you see yourself, a wasted, worthless, despicable outcast, your children starving, and your wife dying, and yet cling to the demon that enslaves you? Will you not "break off your sin by righteousness, and your iniquity by turning unto the Lord." Alas! how useless is our appeal to you. The moral effects of your habit are worse than all this outward misery. The iron enters your soul. You are spiritually dead; you can not feel, affection can not touch, persuasion can not move, remonstrance can not affect, warning can not reach you; and man, whom you will not regard, must leave you to the providence of that God, whom you do not fear.

But let us not be too quick to mark iniquity against this man. He has sinned, but not alone. The guilt lies not all at his own door. It is shared by others, whose characters are yet fair, high in public esteem and confidence. I mean, of course, the moderate drinkers. These are the fathers of intemperance. From these does she gather her victims. But for these her altars would soon be left without priests to minister, or victims to be sacrificed. Yes, the truth flashes upon us like daylight; that if there were no moderate drinkers, there would be no drunkards; if no man ever touched it, no man would ever be-

come enslaved. A drunkard is not formed in an hour or a day. Rapid as is the melancholy progress of intemperance, it is yet gradual; and he who now can not live an hour without alcohol, and who in the silent watches of the night stretches out his trembling hand to the cup by his bedside, can well remember the time when he only took an occasional and moderate glass. To the moderate drinker, therefore, should be addressed the most earnest entreaty, the most solemn warning. Why does he drink spirit at all? What reason, what excuse, what apology has he for it? If he have any sympathy with human suffering, how can he drink it, when he sees the wide-spread misery, the utter and hopeless ruin it brings upon man? If he have any fear of God, how dare he drink it, when he sees the overwhelming power of its temptations, and the destruction it brings upon the body and the soul? Does he say the little he drinks does *him* good? Once this assertion might have been believed. It is too late now to credit it. Facts demonstrate the contrary; science has proved that though taken for strength, its effect is weakness; taken for warmth, its issue is chillness; resorted to for elevation and gladness, its result is depression and sadness of heart; and better than all, medical decisions, the experience of thousands has proved that they are better without it; can work harder, bear cold better, endure heat easier, and feel happier without it. He is driven then from this position. It does not do him good; and if it does not do him good, and does others harm, humanity and benevolence require that he should have nothing to do with it.

Does he say that he has long been in the habit of using it, that custom has made it necessary, that he has not the power to relinquish it, and that if he had, his health would suffer? If this were true, it is the strongest argument against ever using it, that can be found. But it is not true. We ask such a man if he has ever tried, honestly and conscientiously tried to relinquish it? Does he not suffer the plea of difficulty, and fancied impossibility, to serve as an excuse for never making the attempt to relinquish it? He can not maintain his position. The power of habit is admitted. It becomes second nature.

Its dominion is destructive, terrible, we had almost said omnipotent; but it is not. There is a power in a holy resolution, a determined will, that can triumph even over habit. There is an energy in the mind superior to all the power of the body, even when that power is strengthened by the force of depraved appetites and passions. Only let a man determine that he will be free from this slavery, only let him determine that he will relinquish this practice, and he will succeed. A few days of inconvenience, of restless and painful craving for accustomed gratification, he may experience; but permanent injury to his health, he will not suffer. That cheerfulness of mind, which God in his goodness has connected with the consciousness of duty discharged, will counteract all the ill effects of his abstinence upon the body, and by the strong sympathy between the soul and its tenement, a spirit of renovated health and strength will be diffused over the animal frame. Thousands have experienced this result, and are now rejoicing in sounder constitutions, clearer minds, and happier hearts. He is driven by facts then from this position. It is not necessary to him. His health will not be injured by relinquishing spirit.

Will he say, that he never drinks to excess, that, thank God! he can govern his appetites, that he can use spirit temperately and moderately, and that he sees not why he should relinquish his temperate and moderate use, because others become slaves to the abuse? To this we reply first, Let him beware of boasting. He says he can use spirit moderately and temperately; so thought the drunkard who was buried yesterday; so has thought every one who has dug his own grave, and the graves perhaps of his wife and children by intemperance. I will not weary you with a sad recital of the multitude of instances in which this boast has proved vain. Let memory embrace the narrow sphere of individual experience; it will bring up before every one, some companion of his youth perhaps, to prove that, ultimately, intemperance comes upon the moderate drinker, like a strong armed man, and binds him to destruction. And suppose such an one passes the years of active and mature manhood without ever drinking to excess,

and is sinking into the vale of years, is he then safe? Oh no! I could tell of instances, and hundreds could tell of instances in which the moderate drinker has passed the business period of life with an unblemished reputation and honorable success; but the years came when "the grasshopper became a burden and desire failed." The infirmities of advancing age, and a weariness of toil impelled him to retire from business. His form is but seldom seen on the exchange, in the market, or the workshop; he is in the bosom of his family; but there, unoccupied with business, unsupported by the opinion of the world, his self-command forsakes him; that venerable form daily reels in drunkenness; that life which had been passed in honor and usefulness, ends at three score years and ten, in misery, shame, and sorrow. Let a man beware then, we say, of boasting; let him not trust, for safety in moderate drinking, to his power over himself. It is folly for the mariner to run his vessel among the rocks and cry out, "I can steer clear of these breakers"; far better is it to keep in the open course of the broad wide sea.

But again, though this boast prove true in the individual who makes it, we contend that it is still his duty to relinquish his temperate use, to save others from their intemperate abuse. We rely not here solely on "carnal reasoning." We have higher authority than man's words or man's wisdom. "Do unto others as you would have others do unto you," is the law of our religion. "If meat cause my brother to offend, I will eat no meat while the world standeth," was the noble declaration of St. Paul; and the spirit of this declaration is the law of our duty with respect to other things than meat. It is the law of man's duty in every respect. "Let your light shine before others," is a command upon every man in every Christian country, upon every man in every country; for it is the command not only of God and the gospel, but of nature, reason, and human sympathy. In relation to the subject before us, this command is uttered with a fearful earnestness. Of nothing else is it true to the extent to which it is true here, that the abuse is inseparable from the use, and in nothing else is the abuse followed by such disasterous consequences. By nature and necessity

man is a social being ; but society, while it confers great advantages, imposes certain restraints and obligations. No one has a right to enjoy the advantages, without submitting to the restraints and meeting the obligations. The first and most obvious restraint is, that he shall do nothing to injure the interests of this society, either by direct aggression, or by the influence of his character and example. Does not he who uses ardent spirit as a drink injure society by his example, and is it not clear that the law of restraint and self-denial which our religion and society impose, applies here with peculiar force ? If he could prove that his drinking was useful or necessary to him, he might have some excuse, even though injury did result to others ; but he can not prove that, and as on the other hand, it can be proved not only that it is injurious, and unnecessary to him, but that his use encourages and induces weaker men to begin with the use, who end in the miserable abuse, the argument is clear, direct, irresistible ; it is his duty to desist. His drinking does him no good, his example does others infinite harm ; the law of social love, then, requires that his example should be changed. He is not required to conform to all the whims and weaknesses and prejudices of his fellow men, because they also must allow something to him and practice some restraint and self-denial on his behalf. If he have wealth, for instance, he is not bound to exchange his down bed for a pallet of straw, lest his neighbor should ruin himself by purchasing a down bed. He is not bound to relinquish all the comforts and gratifications wealth can obtain, lest others should beggar their families, " by obtaining like comforts and gratifications." Why not ? Because, the creation and supply of wants is one of the secrets of society's progress, and his use of some of these gratifications and comforts does some good ; diffuses his wealth by healthful channels ; encourages the enterprise and rewards the labor and toil of men. Besides, there is no great danger that his example, in these other things, will be followed by any man to his own injury ; and if it be, the evil consequences are trifling in comparison. It will not turn his house into a hell, and himself into a fiend. It will not make him set fire to his dwell-

ing, murder his wife or his children, and prepare himself for the gallows or the prison. No! the law of self-denial applies here with a peculiar force. In regard to every thing else, the use may be at least, in some slight degree, beneficial; the danger of abuse not imminent, and the evil consequences such as can be remedied, or not important in themselves. But with regard to spirit, the use is never beneficial, the abuse unavoidable, and the consequences of that abuse, awful, terrific, eternal. The obligation, then, to give up the use is imperious. The golden rule of duty requires it, and it is difficult to conceive how the new command, "that ye love one another," can be observed without it. Upon this ground I am willing to rest the cause. Some, if they choose, may enter into a calculation of dollars and cents—appeal to men's interests, and prove to them, as I admit they can, by a comparison of numerical columns, that on the score of fortune and property it would be better for them to relinquish themselves, and aid to prevent in the community, the use of ardent spirit. But I would fain believe that men can be influenced by higher and holier promptings than those of avarice. And instead of sending them to their desks, to figure out the motives that should prompt them to aid in this great work, I would send them to the hovel of the drunkard, and bid them listen to the wrath and bitterness and cursing, the howl of despair and the fury of blasphemy that are pouring forth there; I would have them follow the wanderings of the houseless drunkard, till he perishes in the storm by the road side; I would have them sit by the weary couch of hopeless sickness that intemperance has left unattended and uncomforted; I would have them follow yonder mournful procession of childless age and widowed affection and orphaned youth, to the spot where they are burying a son, a husband, and a father, in his early and shameful grave; and from a view of all these evils of intemperance, I would have the stern convictions of duty and the strong sympathy of humanity rise up within them, and with a sweet, persuasive, commanding eloquence, plead that cause which human language is too weak to plead.

The second class of persons who stand in opposition to the object and progress of the temperance reformation, are the traffickers in ardent spirit; those who make and those who sell it, in any quantities, small or great. It is difficult to see ground for the distinction once made in favor of wholesale dealing as less injurious and wrongful. If it be wrong to sell a little, it is wrong to sell a great quantity. Indeed public sentiment has been guilty of the same perverted reasoning here, that has prevailed on another subject. To kill one man is murder, to lead thousands to mutual butchery, makes a man a hero, with a claim upon the world's admiration. So to sell a little spirit at a time has been condemned as a most injurious traffic, while they have been excused who make and sell enough to ruin thousands.

The position assumed by the temperance combination, about two years since, is that the traffic in ardent spirit, in every branch and in every extent of it, for purposes of drink, is morally wrong. Every production of nature or art that has yet been discovered, however poisonous in its effects upon the animal frame, has yet been found to serve many valuable purposes, when skilfully and scientifically applied. This rule holds with regard to distilled spirit. Its external application is sometimes very salutary in a sick chamber, and in a vast number of the processes of art, its use is now, in a measure, indispensable. Let it be used when science thus declares its use beneficial; let the distiller make only enough to meet the demand of the artist and the physician; and let all other traffic in it be regarded as sin. This is the state to which the temperance combination would bring public opinion. The train of reasoning by which this conclusion is sustained is very brief, and to an unprejudiced mind would seem to be conclusive. It is of course similar to that used with moderate drinking, which is but a species of this traffic. Ardent spirit as a drink does no good, but an infinite deal of harm in the community. It is morally wrong to do harm in the community, therefore it is morally wrong to drink, make, or sell ardent spirit. The records of every court of justice, the researches of every temperance society prove that

ardent spirit is the great prime fountain of intemperance, and that intemperance is the great cause of all the pauperism, suffering and crime, that fill our houses with woe, and our almshouses and prisons with tenants. It is not right, therefore, for a man to traffic in an article which produces such incalculable evils in the world. He becomes the indirect author of these evils, at least he aids and abets them to the extent of his traffic. It is clear that if there were none made and none sold, for the purposes of drink, there would be none drank. It is clear that if the distiller would stop up his vats, the dealer knock in his hogsheads, an important step, a great stride would be taken towards banishing intemperance from the land. And under these circumstances, with all the light which the temperance reformation has thrown upon the evils caused by ardent spirit, the conclusion seems one that an enlightened conscience may easily attain, that the traffic in it is *morally wrong*. "What, then!" we are asked, "would you brand with immorality every man engaged in this traffic; will you say that these men, many of them distinguished for probity, integrity, benevolence, members of churches, representatives of the people, holders of important trusts and offices, large contributors of wealth to the most valuable interests of the community,—will you say that these men are *immoral?*" No! we say no such thing. An *action* may be *morally wrong*, while he who does it, may be innocent, not regarding it as wrong; innocent, I say, in not intending wrong, but not innocent if he has failed to enlighten his conscience. We say that in our opinion this traffic is wrong; and all that we ask is that men should rise above the mists of prejudice and self-interest, and examine the subject in the light of truth; and if after such an examination, they can still feel justified in continuing in it, why, not to us, but to their own master they stand or fall; they will be judged hereafter, and we must judge them here, not by our own, but by their convictions of duty. We have no desire to denounce or revile them. We have no disposition to seek the enforcement of their conformity by penal statutes and enactments. We war not with such weapons, conscious that if truth and persuasion

can not avail us, the strong arm of the civil power will be but a reed. We shall regret that they have "no part or lot in this matter." We shall still love and esteem all that is amiable and estimable in their characters and conduct. We shall still sympathize and co-operate with them, where our sympathy and co-operation can unite with theirs; but we shall at the same time be faithful to our convictions, and plainly and openly, without bitterness or evil speaking, declare the considerations upon which those convictions are founded.

This, it seems to me, is the light in which this opinion ought to be viewed, and the manner in which it should be presented to the public. It is an opinion, and therefore can not be enforced by authority. It is a moral opinion, and therefore unless it be made to approve itself to the reason and conscience, all the civil power in the world can not establish its reception. It is a novel opinion, growing out of the circumstances and discoveries of the times, and therefore there should not be connected with its early promulgation, harsh epithets and bitter denunciation against all those who do not at once acknowledge and receive it. It should be recollected how few years have passed since the moral world was in a profound slumber with regard to this whole subject; since every thing connected with the manufacture, the sale, and the use of ardent spirit, was considered as honorable, respectable, and correct a department of business as any other, embracing in its engagement, as it still does, many truly excellent and virtuous men. It should be remembered that many persons have been brought up to the business of distilling; that they know nothing of any thing else; are totally unacquainted with and unqualified, at present, for any other business; that their whole property, the result, in their estimation, of years of integrity and frugal toil, is vested in this; and that in the present state of public opinion, to change at once their investments and their employment, is to reduce themselves and their families to beggary and idleness. It would seem that the spirit of him who was unwilling to be "a judge and a divider over his fellow men," requires that they who have no sacrifices to make, and no property to lose in this

matter, and the whole of whose temperance zeal has never cost them an hour's self-denial or a dollar's sacrifice, should be cautious how they pour forth sweeping, indiscriminate, and abusive epithets upon men, who, it may be, stand as high in the judgment of Him who looketh at the heart as they do themselves. Better would it be, I think, for the advocates of this cause, to be employed in devising and suggesting some means, some feasible and practicable plan, by which many, who are engaged in this traffic, and would be glad to relinquish it, if they could see their way clear to support their families, may be aided in accomplishing that object. In advancing the cause of temperance, but little use has hitherto been made of that moving power of the world, *money*. Now there are vast multitudes interested in its progress, whose wealth, though not perhaps in proportion to their numbers, is yet great. Shall none of this be employed in this object? If we call upon others to make sacrifices, should we not be ready to make some ourselves? Has not the time arrived, when it should become matter of serious consideration with us, whether it is not expedient to raise funds to encourage and assist those, who are really desirous of getting into some other department of business, without exposing themselves to an entire loss of property and failure of employment? However this may be, bitterness and evil speaking will do no good. The wrath of man never yet promoted the righteousness of God, and it will not do it here. If we would bring men to make the temporary sacrifices, which the abandonment of traffic in ardent spirit may require, let us not hope to do it, by out-pouring upon them contempt and indignation, but by assuring them that these sacrifices will be appreciated by others, and that they will be abundantly repaid in the glory and the praise, the outward esteem and the inward satisfaction, that will result from them. Let us remind them that God never yet palsied an arm or deserted a heart, that was devoted to human good; and that his providence will work out for them and their families a successful path to competence, to wealth, to honor, to happiness.

The third class of persons who stand opposed to the object of the temperance combination, or rather who cripple the efficiency of that combination, are those who not only abstain from all connection with ardent spirit, but abstain from acknowledging the fact to the world and refuse to join temperance societies. The number of these is in many places great, and their influence injurious. "Whosoever is not with me is against me," said the great reformer of the world. The declaration may be applied to these persons. Their influence is against the point to which it is desired to bring public opinion. There is difficulty in conceiving of the reason, in itself satisfactory and conclusive, that induces those who abstain from spirit, to withhold the aid of their names and the influence of their characters from the temperance combination. It can not be the principle upon which that combination is formed, and which it promulgates; for they themselves act upon that principle. It can not be the pledge that combination requires; for why, in this promising world, should they be unwilling to promise to do that which they have long been doing and always intend to do? It can not be, because they regard this combination as unnecessary, and think that the community was doing very well without it, and that the evil would have remedied itself; for they know, if they know any thing of the history of the past, that the evil had risen to such a height, that nothing but this combination could arrest its progress. They know, to use the words of a powerful writer, "that the brightest and the best humbled themselves before its influence; the great would forget their greatness, and the good would sacrifice their goodness, and fashion and custom conspired to make the sober man a moderate drinker, and the moderate drinker habitually intemperate, and the habitually intemperate, irreclaimable drunkards. The good habits and principles of the people were crumbling beneath the step of this mammoth vice, and the liberties and institutions of the country were endangered by its power." They know that the combination *was necessary*, if ever any thing was necessary for human good; and that it is still as ne-

cessary as when it was first instituted. I know there are those who look with suspicion and distrust upon all the extended associations of modern philanthropy, as crippling individual action and withdrawing attention from individual character. There is need perhaps of cautions in this particular. I am never sorry to have them urged upon the community from the pulpit and the press. But there is no need of abandonment. Associations need not crush, but enkindle and direct individual action. They originate in this, and they depend upon it for their efficiency. They are necessary. Man's strength, like that of the bee and the ant, lies in his union and co-operation with his fellows. By these have been conducted all successful attempts to elevate and improve his condition. Where would have been the liberties and independence of our country, if in the days of our revolutionary struggle, every man had cried out, "Oh it is not necessary for us to take any combined measures; we shall do very well without these; there is enough of principle, enough of firmness, enough love of liberty in the people, to keep them free and secure them from British encroachments? Nay, where would have been the gospel of Christ itself, the great charter of freedom and happiness to man, if the Saviour had not *associated* twelve apostles to herald it to the world? It is not well then, in the days of this great moral struggle of the country with an internal enemy, for a man to cry out, "Oh there is no need of this combination, we were doing very well without it. There is enough of principle and virtue. The people will reform themselves." The combination was necessary; no great public object can be effected without it; it is still necessary. The victims of intemperance are wasting around us, it may be in diminished numbers, but still in numbers. "Neither sex, nor age, nor rank, nor talent," says an eloquent writer, "is exempt—man falls away from his glorious destiny, and woman is degraded from her angel station; the young bow their faces in the beauty of their promise, the mature are arrested in the pride of their usefulness, and the white locks of the old seek the tomb in disgrace. The rich are overcome in their splendid mansions, and the poor in their dreary

dwellings. The arm of labor is paralyzed, the light of learning is extinguished, genius is struck down in its eagle flight," and virtue driven back from its upward course. Can any man feel it his duty to sit silent and solitary, while this devastation is going on around him? Will he not come up to the help of his country and the world? Does he refuse because the object of the combination is unattainable? Is this his reason for withholding his name and influence? Does he say that there always have been and always will be intemperate men in the community, and therefore it is useless to attempt any extraordinary reformation? Carry out the principle of his reasoning, and apply it to other things, and what is the result? A palsy of the soul, an entire paralysis of the whole moral world; every enterprise must be stopped, every measure abandoned, every hope of philanthropy crushed. The doors of our churches must be shut, the voice of praise and instruction must no longer be heard within them, the Sabbath must be suffered to become a day of weary and unbroken toil, or profitless amusement. Why? "Oh, because the object of its appointment is unattainable; you can not make all men observe it; you can not thoroughly Christianize the whole community; some would slumber in their sins, beneath an angel's eloquence; though one rose from the dead, they would not hear him." The reasoning is as correct in this case as in the other, and would seem to be false in both. That we are not omnipotent is no reason why we should not exert the power we have. That we can not do every thing in a moment, is no objection against our trying to do something, in the course of time. And the experience of the past, and the observation of the present, and the conscious energy in our own bosoms tell us, that man's strength in the individual and the community has never yet accomplished all it might. The badge of imperfection, worn even by him who sinned in paradise, may not be thrown off by us, his posterity; but it may be made less distinct, and hang less heavily upon the soul. We may not completely banish intemperance from the world, but we may make it so rare, that its miserable slave, like her who cast a backward glance on burn-

ing Sodom, shall stand out a solitary pillar on the road of life, to warn men of their danger, to prompt them to their duty.

But this combination has been injudicious in its measures; extravagance and indiscretion have marked many of its proceedings, it is said. This perhaps is the reason, which restrains many from entering into it. There may be ground for this reason, but its operation should be different. If any man think there has been a lack of wisdom and judgment, he should not leave the unwise and injudicious to struggle alone; but bring to their aid his wisdom, his prudence, his discretion, and seek to guide and regulate their movements, if in his judgment they have been badly conducted. But whatever be the reasons that induce any man to withhold his open and avowed co-operation in this cause, it would seem, that if he followed the suggestions of an enlightened conscience, and calm and serious reflection, he would be driven from them, step by step, till he is brought up by the *rock* of *necessity*, the *necesssity* of the *combination*, and the *necessity* of the *principle* upon which that combination is formed. This reflection let every man make, and if he still feel justified, in remaining neutral in this warfare, all that we can do is to pray for him; pray that he may never know the misery of having intemperate friends, or live to see that hour of agony which a broken hearted parent sees, when the first born of his love, the child of promise, of hope, affection, and confidence, is brought home the degraded, and irreclaimable victim of this withering vice.

These are the three classes of persons who oppose the object of the temperance combination. These it is the object of that combination to reach and influence. How shall they effect it? What measures shall they continue, what further measures shall they adopt, to carry forward the work? I had intended to offer a pretty full answer to this question, but I have already trespassed so long upon your patience, that I can but partially fulfil this design. Bear with me a few moments more; I will not detain you long, while I offer one or two suggestions. The

subject is one of vital importance to the cause, and merits the deep and anxious consideration of its friends.

As I hinted in the early part of this address, I think there will be wisdom in adhering to that object which the temperance combination has hitherto made the most prominent aim of its exertions, the suppression of ardent spirit as a drink; there will be wisdom in not introducing abstinence from wines and all intoxicating liquors into the pledge of temperance societies—I say in *not introducing it into the pledge*. I do not say that there would not be wisdom in every man's abstaining from these. Though I am not certain that there would. That there is a wide-marked, palpable difference, between alcohol separated and alcohol existing as a component part of some other substance, between distilled spirits and all other liquors, can not be denied. Distillation is entirely a process of art; fermentation is entirely a process of nature, and the results of these processes are as distinct as their origin. All distilled liquors are a class by themselves. They find no sympathy at any time, in health or in sickness, with any part of the animal system. Nothing within us, will unite with them, nothing co-operate with them; every organ and every function of the body rejects them, and the brain, that has been maddened by them, is obliged at last to permit their collection, pure and unmixed, upon its upper surface. With pure and simple fermented liquors this is not the case. These, when occasionally used, at proper times and in proper quantities, are beneficial; at least I have never seen it proved that they were injurious, when thus taken. When received into the stomach, they submit to its action. They pass through the various processes of digestion, incorporate with the various juices and secretions which those processes engender, and are thus diffused over the system, and impart their share of strength and nourishment to the whole. In the things themselves, therefore, there is a wide and essential difference, and in their effects. The smallest portion of alcohol, separated by distillation, never does any good, but always injury to the system, and will not unite with any part of it. A proper portion of fermented

liquor, is subjected to the digestive functions, is changed in its character and qualities, and by mingling with its various juices, is made a component and healthful part of the system. Against any and all use of the one, therefore, the argument is clear, direct, consistent, undeniable in all its premises, irresistible in its conclusion. In favor of entire abstinence from the other, the same argument can not be made out. Indeed it is not, I believe, attempted. In the one case the argument is drawn from the very nature of the substance; in the other, from the superadded qualities, and from a view of the relative conditions of society. The only two reasons, that I have heard advanced, for embracing all intoxicating liquors in the pledge, are that most of these are adulterated, containing among other deleterious substances a large proportion of alcohol, and that unless the better conditioned classes in the community will relinquish these, you can not call upon the poor to give up the other; unless the rich will abstain from their wines, which they *can* purchase, the poor will not abstain from their rum, which is *all* they can purchase. With regard to the first of these reasons, it avails on the score of health, but not on the score of temperance. We may call upon a man to give up *adulterated* wines, because they are *adulterated*, but not because they are *wines*. In proportion as these, or cider or beer can be obtained *pure*, they may be drank in such quantities as health or refreshment may require. They can be by some obtained in a great degree pure; they ought not therefore to be embraced in the same pledge, and placed upon the same footing with that which always, in its very nature, so far as man's system is concerned, is *impure*. Better than universal proscription in this case, it would seem, would be the taking of measures to prevent adulteration, and produce a sufficient supply of pure drinks, the result of pure vegetable fermentation. With regard to the second reason, I am inclined to think that it has more plausibility than force. It applies, in this country at least, only to a small part of the population in our large cities. It does not apply to the great body of the people scattered throughout the land. Rum is drank, not because it is so much

cheaper, but because it is so much more powerful. With the exception of the lowest class of poor, there are none who could not afford to obtain as much of these other drinks as it is requisite or proper for them to use. Nay, take the case of the poorest man in the community, one who supports life by the humblest, the hardest, the poorest paid bodily labor. He drinks rum to intoxication perhaps, or to a state that is very near intoxication, every day. Now on the supposition that something is necessary for him, what would be the difference in expense to this man, if he gave up his excessive use of rum, and used so much of the light kinds of beer, or of pure cider, as might be requisite to refresh and sustain him under his toil? Not much more than a hundredth part of his day's wages; about eight or ten dollars per year. We do not then, by insisting upon abstinence from distilled spirits exclusively, call upon the poor to relinquish the only comfort or luxury in the way of drink which they can obtain; and the principle of the argument will not hold, when applied to other things, that distinguish the wealthy and the indigent.

But I am not advocating the use of wine or beer or cider. There is too much of these drank by rich and poor, young and old, those who are idle, and those who toil, and he, who uses them habitually and freely, is an intemperate man, though he has never approached within a fathom's length of a state of intoxication; just as he who is strictly a cold-water drinker, may be an intemperate man, and dig his own grave by gluttony, if not by wine-bibbing. And let all this be distinctly urged upon the community. Let the evils of intemperance from any cause be pointed out, and the sin of it, however indulged, rebuked. Let all the knowledge that can be gathered upon the subject of intemperance, the nature, qualities and effects of the various drinks that produce intoxication, and the adulterations of them, that are said to be, and without doubt, are extensively practiced, let this knowledge be widely, universally circulated through the community. There is no objection, among this people, to inquiry upon any point; but there is objection to assertion and requisition, without the stern

argument of facts, or without these facts having been sufficiently long before the public, to be extensively known and clearly apprehended and felt. When we have this same stern argument of facts, as strong with regard to wines, and all fermented liquors, as it is in relation to distilled spirit, when it shall have been proved with respect to the first as clearly and undeniably as it has been with respect to the last, that their use, when pure and in the smallest quantities, is unnecessary and always injurious, and when the state of the community shall show that the abuse in the one case, is as equally unavoidable and inseparable from the use, as in the other, then it will be time to call upon the community to include all intoxicating liquors in the pledge; and when this has been proved, the community will be ready to include them, but not before. Before the points to which I have alluded have been proved, and they certainly have not been yet, before it shall be proved, not that wine and cider and beer can intoxicate, and that some men drink them to excess, but that their use, when pure and in the smallest quantities, is injurious, and their general and almost universal abuse is a necessary consequence of their use, for this is the nature and force of the argument against distilled spirit, before this has been proved, there seems to be an objection to introducing them into the pledge, and making them in any manner, the principle upon which the combination is formed. For success in politics, it is said to be very important to keep the party together and united. In a great moral reform it is equally important. The introduction of these new articles into the pledge, will have the effect of dividing the party, and destroying the power and influence of the combination now existing. It will have a tendency to disaffect many who are now zealously engaged in it, and of turning away many who are disposed to join it; and this not because they use these habitually, or in any way approaching to excess—for many of whom I speak do not use them at all—but because they see not the truth or reason of the thing. They do not believe the principle is tenable. They think that it will weaken the cause, that to adopt it will be descending from the

strong and invulnerable ground upon which the combination now stands, by directing the promise of total abstinence against *ardent spirit exclusively.* There is force in this reasoning. When we approach a man with this doctrine, he can not make the shadow of an objection to it; but when we approach him with the other, he will immediately clothe himself with the authority of Scripture, and say "that God gave wine to make glad the heart of man, that the Saviour supplied it by a miracle for a marriage feast, that he appointed it to be drank in commemoration of himself, and that an apostle commends its use, and that though he seldom tastes it himself, he sees no reason why he should determine and promise never to taste it." The present system has done, and is doing great good. It is founded on the wisdom of the fable which teaches that the best way to brake a bundle of sticks is to separate them, and brake one first and then another; it has lessened the intemperate use of wine and all intoxicating liquors, in proportion as it has extended to abstinence from ardent spirit. There is wisdom, therefore, in adhering to the system till circumstances prove more clearly than they now do, that it ought to be abandoned.

It is important also, for the permanence and further success of the temperance reformation, that more attention be paid to the physical causes of intemperance, and more exertions used to apply the physical remedies, or rather preventives. In truth, these physical causes are the most important to be considered, because, when once in operation, they are less under control; they are in a measure beyond it. When an individual, by a wrong or negligent course of living, has brought his system into such a state as to produce in him a strong physical disposition to intemperance, or to an excessive use of stimulants, he can no more resist this disposition, by the moral exertions of his will, than he can stay the cravings of hunger by the same means. This nation, at a time when the moral causes that should have prevented it, intelligence, virtue, and general prosperity, were abundant and strong, was distinguished for its intemperance. Were I asked to account for this, I should not

ascribe it so much to the ease and cheapness with which the means of intoxication could be procured, as to the gross habits of living common to the people in general, and their inattention to wholesome cleanliness, personally and in many of their domestic arrangements. It is said that in the wine growing countries, where the people use wine freely, they are remarkably temperate. I believe that such is the fact, though not perhaps to the extent often represented. It is not to be attributed, however, to their drinking wine, and affords no argument for endeavoring to introduce the general use of these wines in this country, while other things remain as they are. It is to be attributed to other causes. In these wine growing countries a great variety of the most delicious fruits and vegetables are produced. These form a very large part of the food of the inhabitants. They live also much in the open air, and from the nature of their climate, make frequent use of the bath. These are the things that keep them temperate, and not the use of wine. And a comparison of the manners and habits of nations, with the history of intemperance, will satisfactorily show that generally drunkenness has prevailed among them, in proportion to the grossness of their food, and the neglect of cleanliness in their persons and dwellings. What made the North American Indians, when supplied by the whites, become so instantly, almost, and so excessively addicted to the use of rum? Did it originate from any original moral difference or weakness, any extraordinary want of self-command on their part? No. For in many other things they have shown an uncommon degree of moral strength, a command over passion and feeling, that would not be unworthy a martyr's fame and a Christian's faith. But the North American Indians were almost exclusively meat-eaters; though sometimes compelled, by failure in hunting, to abstemiousness, they were generally wanton, extravagant, excessive feeders upon *flesh*. This was the secret of their fall. It produced a physical disposition for stimulants, that was beyond control. What keeps the members of the Society of Friends, so entirely free from intemperance? An instance

has hardly ever occurred in their community. They use wines and other intoxicating drinks. How happens it, there is no excess? Is it because of any extraordinary moral strength in them, any greater degree of self-command? No; but because they have less occasion to exercise self-command. Their physical precautions are so great, that moral ones are rendered unnecessary. It can not be doubted that the great cause of the remarkable temperance of the Quakers, is not any peculiar power in their form of faith to make them firm, but in the influence of their modes of living, and their attention to personal and domestic cleanliness in preventing all physical want or disposition for excessive stimulants. The poor and the laborious do not become intemperate so much from the hardships to which poverty and labor subject them, as from the gross and indigestible character of the food which they eat, from their disregard of personal cleanliness, from the dirty and unventilated apartments in which they live, from the impure, and unwholesome air which they breathe in them, for the action of the lungs, the pores of the skin, and the organs of the stomach are very much impeded by these things, and it is the opinion of many medical gentlemen, that they tend to produce a physical disposition for strong and stimulating drinks, over which the will could have but slight control. There is nothing that the community generally know so little about, as the *proper way to live*, and the influence of their personal and physical habits, not simply upon their health, but upon their moral feelings and principles. Great good might be done, and essential aid I think rendered the temperance cause, by the circulation of cheap tracts on diet and regimen, showing their influence, and illustrating the moral importance of personal and domestic cleanliness. Our object is a great moral reform; but the causes of the evil we would remedy are not all moral, neither should the means of prevention we employ be all moral. If I met with an intemperate man, and I could prevail upon him to use the bath frequently, to eat meat but once a day, to be much in the fresh air, and to sleep always in apartments having immediate connection with the open air, I should feel that I was in as fair way to reclaim

him, as if I prevailed upon him to sign the pledge; at least if I could educate him in such habits, I should regard them as great security against his ever becoming intemperate. There is great room for improvement in this country in this particular. There are many who dread cold water ablutions, more than they dread cold water drinking, and any measures that would tend to change the habits of the people, and promote greater attention to personal and domestic cleanliness, would materially aid the cause of temperance.

One more suggestion, and I have done. In the further prosecution of this enterprise, we must rely on moral means, and not on the arm of the law or the authority of the civil power. It is this which has accomplished all that has been done; it is this which will accomplish all that remains to be doue. I profess not to understand the subject of the license laws, so as to give a decided opinion upon it, or one that would be entitled to any consideration, if it were given. But so far as my knowledge and judgment now extend, I am in favor of the temperance combination having nothing to do with them. Let legislatures enact or repeal them, without remonstrance or petition from us. What we want is a law mightier than any legislators ever enacted—a law written not in the statute-book, but in public opinion, in the common sense and moral convictions of the people, enacted by the majesty of their virtue and enforced by the authority of their practice. One man gained to the cause by the conviction of his understanding, and the winning of his affections, will do it more good than a thousand, brought to outward conformity by the authority of a statute in that case made and provided. All that we have to do, is by the righteousness of our cause, the correctness and prudence with which we advocate it to gain the minds and hearts of men. Attempt, without having gained these, to enact and enforce laws upon the subject, and, in the strong and felicitous illustration of Mr. Sprague, used on a former occasion of this Society, "like the eyeless Nazarite, we shall only raise from their foundations the pillars of the temple, and the whole edifice will fall in ruins on our heads." Let us leave laws then to themselves;

the only time they can ever aid us, will be when we have so enlightened and established public opinion that we shall not need their aid. Let us appeal only to *moral truth*—that is the mightiest power, the only true power in the world. It has prevailed in other things, it will prevail here. Our cause is good, noble, divine ; the blessing of God must rest upon it, if we pursue the right means. Let us go on, then, in the path so successfully trodden ; let us go on prudently and gently, but resolutely and faithfully. Especially let this Society, the pioneer in the great work, be faithful to itself, and to the cause. Let us each, individually, be faithful to it. And when, to use the language of another, from whom I have just quoted, and I can not find more beautiful words in which to close this address, "when that hour which must come to all, shall come to each of us, when lingering on the confines of death, our awed and subdued spirits look back to scenes long faded in the distance, when the hollow applause of the world dies away from the ear, and nothing rises up but the recollection of good and evil deeds, when the weedy garlands of ambition have no freshness for the burning brow, and no perfume for the fainting soul, in that hour, if we can remember one fellow pilgrim saved from intemperance through our influence, the image of that one shall hover around our bedside, and be to us a ministering seraph through the expiring pangs of mortality."

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ANNUAL ADDRESS

DELIVERED BEFORE THE

MASSACHUSETTS TEMPERANCE SOCIETY,

MAY 29, 1836.

BY WALTER CHANNING, M.D.

WITH THE

ANNUAL REPORT

OF THE

COUNCIL OF THE SOCIETY,

FOR THE SAME YEAR.

Fourth Edition.

BOSTON:
PRINTED BY JOHN FORD,
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Corner of State Street and Wilson's Lane.

1836.

ADDRESS.

We are assembled to commemorate the anniversary of the Massachusetts Temperance Society. Permit me to ask your attention to a brief sketch of the origin and progress of this Society,—what led to its formation,—what were its objects,—who were its founders,—to the means it has employed, and what it has done. In following out this plan, a brief history will be given of the temperance reform. I shall begin with the records of the society, and use them as occasion may require, in pursuing the subject of our present inquiry.

"The alarming state of the country in regard to the use of spirituous liquors having interested the attention of many respectable gentlemen in different parts of the Commonwealth, a meeting was held in the hall of the Union Bank, in Boston, to deliberate on the best means of checking the evil, on the fourth of February, 1813, at four o'clock, P. M. The meeting was opened with prayer, and a constitution read and discussed, amended and adopted."

These were the circumstances under which the Massachusetts Society for the Suppression of Intemperance, afterwards named the Massachusetts Temperance Society, was formed.

The second article in the constitution is as follows:

"The object of the Society shall be to discountenance and suppress the too free use of ardent spirits, and kindred vices."

Such were the objects of the society, and of those who were associated for their accomplishment. It is proper now and then, and always most grateful on such occasions as this, to look back

for those who have been among the earliest, and who have taken an active part in an enterprise which looked to the greatest good of the individual, and the truest happiness of the state. The first name on the list is Samuel Dexter, it being an autograph subscription to the constitution. Then follow the names of the venerable John Lathrop, of Isaac Rand, Elisha Ticknor, Jeremiah Evarts, Samuel Parkman, Caleb Strong, John Brooks, John Warren, Joshua Fisher, Dudley A. Tyng, Nathan Dane, Joshua Huntington. I need not extend the catalogue. These are all dead. Some of them lived long enough to lend the influence of their character and attainments—of their intellectual, moral, and religious excellence to a cause most dear to them, but died almost in its earliest infancy, when its spirit, and whole character was not understood, and when its sincerest friend of them all, could hardly even have hoped for its subsequent most extraordinary success. But was there not a deep, a sure promise in a cause which had such men among its founders? If it needed any claim on the strongest interest, the widest patronage of the kindred minds of our day, with what eloquence, what power, might it not make its appeal? Who would not be associated with such men, in such a cause? In itself full of moral dignity, with the noblest object in view, how does it come to us from its very cradle, strong and manly in those who gave it birth? It might have failed. The hope of the philanthropist might have died in the utter defeat of the enterprise,—but this would not have altered the character of the attempt. There was no fanaticism in it,—no endeavor to accomplish what was beyond human power,—there was nothing petty nor trifling in it,—it was full of solemnity, full of dignity; for it was the active direction of the spiritual nature to the removal of an evil which, in its very self, tends to the destruction of the moral and the intellectual. We are not surprised, then, that such men took such a part in the temperance enterprise; we might be, that the attempt was not made before. But here we are presented with an interesting fact in moral history, and which has many kindred ones in its records, viz.: that the existence, and the constant and

immense pressure of an evil, are not the only circumstances that set the mind to work to attempt its removal. It may be, and is seen, and felt, for years. It has come home to a thousand hearts with its saddest truths,—it has suggested, nay, it may be, pressed the question, how is this vast evil to be removed? But no answer has been given. The oracle here has been dumb,—or if it has uttered any response, it has been to tell how hopeless were effort, and to teach the best lesson of patience it may. At length, however, a mind is reached, rarely a state or a community, and the revelation is made, of the nature of the evil, and of the vast importance of looking for a remedy. From a mind thus illuminated, and it may be almost unconsciously to the individual how, or from whence, the light came, from this central point, beams irradiate every where; they fall upon, and warm, and enlighten other, and kindred minds, and these in their turn add to the illumination, until at length a nation emerges from its darkness,—feels how true is the cause which is presented to it, and what are its claims on its best regard Much of all this is slowly brought about. The explanation of this is not difficult. A change in the habits and manners of a people, or of a class of any people, is always slow in its accomplishment. Such a change as this Society proposed, was of all others the most difficult. The temperate man felt in no danger of becoming intemperate, and the intemperate had voluntarily removed himself from the power, and almost the reach, of moral influence. There was yet another, but then a small class, composed of individuals who wholly refrained from the use of ardent spirits, not out of regard to the great principles of our day, for they were not then known, but from the single circumstance that they had no desire for such indulgence. From this, and from the first class alluded to, the enterprise could look for but little, if any, aid, and from them both it had to encounter along with indifference, some ridicule, and some contempt.

But whatever were the discouragements, there were circumstances at the time, exceedingly favorable to the undertaking, and for which we can never be too grateful. Compared with

our own, the times were remarkable for wanting a great number and variety of topics of absorbing interest. Societies, or associations of both sexes, and of almost all ages, for all sorts of objects, did not then exist as now. Parties were not then springing up full of zeal, and full of exclusiveness,—which could hardly look at or tolerate what was not exactly after their creed, and which, at once, created opposite parties, full of their zeal of opposition, and quite as violently exclusive in their way. The mass of men, often the well principled, and highly cultivated, were not placed in the position of mere spectators, disinterested, indeed, and, as we find them, often uninterested spectators of what might be doing, or speculators merely about what was coming next; while the reckless of another class, might be looking on to enjoy the discomfiture of something which, if wholly successful, might interfere with some of their own pursuits. There was less hazard, in such a state of things, of fatal breaches among those who were associated for the same object, by experiments of the novel amid the very best operation and success of what was well known. There were two great parties in politics indeed, and religion had its zealous sects. But men stood shoulder to shoulder in the support of their political principles, and the adhesion of the religious sectarian was never more true.

While the circumstances of the times are to be regarded as favorable for the beginning of the temperance enterprise, they also explain the character which the enterprise assumed or appeared under, and the means which were adopted to accomplish its objects. This character was strictly a moral one. A moral evil of immense extent, and awful amount existed, and it was discovered that in moral means only, or most surely, was its remedy to be found.

How wisely did this cause begin. It came forth with a declaration of its respect for the moral nature, for it made its appeal to that nature. It built its hopes here for its lasting success. It declared the great truth that for every moral evil, God had provided a moral remedy. But for this harmony, this native

correspondence between the deepest wants of our nature, seen as it is, in every thing belonging to us, and in the arrangements of providence for supplying them, how hopeless had been this and other enterprises, for obviating the greatest evils, and for raising men from the lowest degradation. What other force than a moral one could have been employed against such an evil as intemperance? Physical restraint has been talked of, and doubtless it has been salutary. Its application, however, has been made only to individual cases, and under other circumstances, and for different ends than the recovery of the individual from his ruinous habits. Some graver delinquency than habitual drunkenness, and graver to the public, because its interests were involved, has been the main cause for such applications of the law as have ended in taking away from the drunkard the exercise of personal liberty. Attempts have indeed been made to render penal the traffic in distilled liquors. But, it is apprehended, that legal enactments of this character might not have aided the progress of a moral reform. What are such enactments,—what is a law, but a simple and authoritative expression of the moral sentiment of a people? A court is but the organ by which this is made known and applied. The law itself is in the mind, the heart; is, if I may so say, the mind, the heart of a people, and is declaring itself less formally indeed, but not the less cogently in all that we think, attempt and do, of a strictly moral nature, in all our relations with others. What people is there, and what people have as yet been, whose moral state has been such as to give being to such law, for the removal of a moral evil?—and if such a people ever should be, such a condition would make such enactments unnecessary. No. Let the labor of the friends of temperance be to enlighten and elevate public sentiment in regard to the great matter of their concern. Let moral truth, the great remedy, and true respect for others, be in their hearts, on their lips, and in all their writings. This is the power whereby to move the moral world.

What was the principal object in the formation of this

Society, in its first days, and which continued to be so through a considerable period of its history, has been shown from its records. It was the suppression of intemperance. The means adopted for this end, were precisely such as we should look for from the character of its founders. They consisted in sending circulars to all clergymen throughout the Commonwealth, setting forth the importance of the objects of the society, and inviting and requesting them to form associations for the same object in their several societies. In the next place, public addresses, sermons, tracts, and circulars, were extensively distributed, in support of temperance, and setting forth the unmixed evil of intemperance. Finally, petitions and memorials were addressed to the selectmen of towns, calling on them in the most solemn manner to bring their best aid to a cause which so deeply involved the happiness of communities,—praying them to diminish the number of licenses granted, by confining them strictly within the limits prescribed by the law.

Such were the means by which this Society sought to enlighten and direct public sentiment. It believed that it must, in time, have that sentiment on its side, if it did not attempt to distract it by rapid or questionable measures; in other words, by hurrying into ground which was in no sense prepared for its growth. For this there were many reasons, though they may never have been formally recognized in the course so wisely pursued. Let us name one, for it contains all the rest. The founders of the society wanted light on the greatest of all questions which could come before them, viz.: what are the truest, best principles on which this enterprise shall be conducted. In short, on what principles does it mainly rest. On these questions how little light had been shed. The anatomy and physiology of intemperance were then scarcely known. Few, if any experiments had then been made to ascertain the precise effects of alcohol on the organs of the body, either in regard to their structure, or their functions. The direct connection between moderate drinking, and intemperance, or the extreme liability of the production of the last by the first,—were but vaguely

understood;—the giant power of habit, beneath which the strongest will almost surely be made to bow,—and the total inefficacy of partial abstinence, to weaken this power,—the absolute certainty of fatal relapse where the smallest after indulgence is permitted,—upon all this, and much connected with it, the bright light of our day had not beamed,—and men were seen associating together in their intelligence, their enlightened philanthropy, which so perfectly answered to all other calls upon both, to study a new and most pressing subject,—to learn what there was in the moral constitution which so strongly favored the production of intemperance, and what there was in man's compound nature which made it so persistent, and, as it seemed, so unconquerable an evil. They labored patiently in their office of calm inquiry. To common observers, they may seem to have labored almost, and to some, wholly, in vain. Few were the open, avowed adherents to their cause, and this small number grew less in the coming years from its earliest movements. Let us admit that the zeal of these among the first in this cause was ministered to by no surrounding encouragement, that they, and especially their few successors, were at length almost left alone, shall we say that this Society did nothing,—nothing for this cause, which now fills the land, and is spread over the whole earth? A wise observer of the springs, the sources of human action, will not say this. This Society gave to this cause a name, and a place, in our State; and it was the first society which, as an organized body, openly, actively, and regularly came forward to teach and enforce the practice of temperance, and this continued to be true of it for many years after its formation. It publicly declared the most important, the most startling truths, in respect of the wide spreading and increasing evils of intemperance. A germ was thrown into the public mind here, and left to develope itself gradually by the new warmth and light which was, in the succeeding years, sure to come to it. This Society labored never to impose more upon that mind than it was just able to bear. It seems to us who contemplate that early history, as if it sought to exclude from

itself the agency of that mere human enthusiasm which is desirous to behold the harvest in the seed, and thus to anticipate the natural course of human development.* Nothing is of so sure promise to any cause as this distinct recognition of progress in every step of its history. It is taught us by the observation of every day, in many of the works of man, and in all the works of God. The day comes to us so unobtrusive, so faint in its dawning, that, but for memory, who would dream even of its mid-day brightness? And so of the giant forest,—and so, too, of that ocean river, which has its remote beginnings in a few drops which just trickle from the cleft rock.

An institution thus formed, and thus growing by what it may itself discover, or by the light which it may strike from other societies, or from single minds, has in itself a promise of perpetuity. It may be lost in name, or buried up, or absorbed into, the seemingly new, and the later, but there it is like the seed in the oak, or the elm, an archetype of all that may come after it.

We are told that this Society had cotemporaries, and that it was not the earliest in the temperance movement. This is not introduced here to be questioned. It may be freely admitted, and is too important a fact to be omitted when speaking of the rise and progress of this reform. It happened in this case as in many others of similar interest. Many minds, distant from each other, and holding no intercommunication, were, at the same time, filled with the same subject. They were awakened to the whole extent and amount of the evil around them, and were deeply thinking of its remedy. At length, at, or near the same time, they called others to their councils, and formed associations. It does not appear, however, that such earlier societies ever did, or proposed any thing of a public nature, to advance this cause. It is certain, from the silence of the records, that the founders of our society knew nothing of the existence of other similar associations, or of their doings. How grateful it must have been to them to have possessed such information! How useful might this knowledge have been to them, and how

* Tholuck's Commentary on gospel of St. John, Preface.

willingly would they have acknowledged their obligations. From their well known character we may safely suppose that they would have investigated, with the severest scrutiny, whatever might have come to them in this way; but they knew the value of truth too well, to have allowed to prejudice any influence in making a judgment. It was a singular fact in the history we are briefly noticing, that there was no place for prejudice or mere individual caprice, to have much, if any, of their ordinarily injurious influence. An experiment was made in morals,—a vast experiment, for it proposed an almost unheard of change in the habits and customs of society. It was not an application of principles, for settled principles in the matter were not known. They might, in the succeeding years, be come at; but it was now all conjecture. There was a promise of ultimate success to the cause, alike in the progress of this Society, and in its entire failure. Its unobstructed and rapid progress would be, of course, success. Its failure would necessarily have turned men's minds deeply filled, and actively alive to the subject, to new views,—to the discovery of principles,—to the ascertainment of the cause why this particular attempt had failed, and necessarily to new views, and to most salutary and important discoveries. Now just this has happened to a thousand other labors, instituted for the discovery of the true. It has been so in science, distinctively so named, and what has seemed and been called mere accident, in the very midst of the severest toils, almost infinitely varied experiments, has, at length, revealed the true, and the philosopher, in the fullness of his joy for what he has learned, has smiled or been provoked that what he has hoped from severe induction, has beamed upon him from a source which before promised him no light, or, it may be, has come he knows not whence. But even here, the intellectual philosopher will often find the true origin of knowledge. He will trace it to and through those operations of the intellect which it may be unconsciously to the individual himself have been slowly but surely arriving at the result, and instead of ascribing it to accident, sees how it has been connected, it may be, for years with

all that has been attempted and done, and so far from regarding it as an unassociated, lonely fact, in the universe, he sees that it has been in close company with all of kindred truth that has hitherto been revealed. Is it claiming too much if we place this Society in this relation with the whole cause of temperance? Let it not be said that this question is put in the spirit of pride, for he, or they, who are proud of the truth, have in the highest sense, lost the truth. No. Let the friends of this Society, especially let those who venerate its founders, see in the efforts of those founders nothing more than a sincere purpose of aiding in the commencement, in giving an active, sure impulse to a reform which had for its corner-stone the purest benevolence,—a reform in which selfishness had no place,—which might bring ridicule or contempt, in its failure, and the success of which was directly to promote the happiness of others.

Two distinct periods or epochs present themselves in our history. We have thus far been occupied with the first, and with its earliest years. The second period dates from July, 1833. At this time the pledge of total abstincence from the use of distilled spirit, as drink, was recognised as a fundamental principle in the constitution, and a subscription to this pledge by all who might join the society, was made the condition of membership. At a meeting held in September, of the same year, the title of the society was altered, and it assumed the name of the Massachusetts Temperance Society.

Some years before 1833, this principle had been received as fundamental by other societies. It is to the great honor of the American Temperance Society, that it adopted it in its widest extent, as early as 1826. That society, it appears from its published reports, did not borrow it from any other. It does not seem that it knew that any allusion even to it had been made by any other body. It was a discovery growing out of that deep interest every where taken in the cause, and its immediate and full application confer upon, and always will claim for that Society a most honorable distinction.

The first distinct recognition of this principle, the pledge,

in the records of our society, is found in the doings at the annual meeting, May 28, 1824, as follows:

"The Society voted, that the members be requested to sign an obligation that they will not distribute liquors to those who are employed by them to labor."

This is, indeed, a narrow application of the principle, and was calculated to produce but very limited effect. Still, to this extent had it been applied, which it was not, who can doubt that it would have been highly useful. It is, however, introduced here to show how slow was the progress, but how truly progress was making, towards some of the most important results of the temperance enterprise.

In the annual addresses of 1825 and 1826, allusions to the same principle are made. In the annual report of the Board of Council, made in June, 1826, it is, however, more particularly referred to.

"It may be emphatically recommended to all churches of Christ, of every denomination, that they associate among themselves for the purpose of discouraging by their own example, *all* use of ardent spirits. Let each individual enter into an agreement, not to keep in his house, never to use himself, and never offer to his friends any spirituous liquors, of any kind, nor upon any occasion.

"There would be a great moral weight in an example of this kind, held out by a large class of respectable, and conscientious men; the attention of society would be at once attracted to such a project, and the thoughts of mankind would immediately be actively engaged upon the general subject. It would be glorious also to the church of Christ, and highly honorable to religion itself, for such an undertaking to spring up so directly from the influence of Christianity.

"It will be perceived, that in the suggestions offered by this Board, the general discouragement of all use of ardent spirits, in respectable society is intended to be urged. This is held to be a preliminary step of very great, if not essential importance, and is one, which, has hitherto been almost wholly overlooked."

Among the means recently proposed for promoting this cause, and which belongs to the second period of our history, is a change in the pledge, so that it shall include all intoxicating liquors. This is the wine question, in an extended form. It is not alluded to in this place, for the purpose of discussing it, but to advert to one effect which it is said has resulted from its adoption, or from the alleged manner of pressing it upon the community. Upon some, perhaps not many, the effect is stated to have been, either to diminish their interest in the whole subject, or to lead them to withdraw themselves entirely from its concerns.

Let it be asked now, and it is asked respectfully, is such a course just, either to the cause or to truth? Do not the original principles of this cause remain as true as they ever were? Is not the use of distilled spirits as injurious, and as dangerous as it ever was; and is it not now as much the duty of every individual, who is fully acquainted with this danger, and this injury, to declare his convictions with the same zeal as he may ever have done? How doubly important is it for him to do so, at a time, when we hear of divisions, and strifes among friends, who have hitherto lost personal biasses in wide views, and most important and unquestioned general interests. The zeal, the whole moral and religious power of every individual is demanded for this cause, for on its success, depend the essential well being, and good doing of states and of nations. Let it not, then, for a moment be weakened by the agency, however indirect this may be thought or called, of any who have ever appeared its friends. The truth is ever the same. We may neglect, or refuse to use it for ourselves, or for others; we may overlay and bury it up, by its counterfeits, or by what we may claim to be of its own inherent nature; we may let in upon its fair domain the untrue of our own fancies, our own passions, our own mere prejudices; or others may do all this. Such a course may obsure, but it has no power to destroy the truth; this is essentially immortal in its very nature, for the truth is an attribute of divinity. There it is, always ready to minister to our

highest wants,—to aid us in the greatest and the best we may attempt, either for ourselves or for others. Is it, let it again be asked, is it just to this truth, to be driven from its promulgation, and its defence, by any or all attempts that seem to us unfriendly to its progress, or which propose to give new and increased life to that progress, by means which, we think, can only distract if not destroy it? Should not every friend to this cause take the high and noble ground of an apostle on another occasion, and say to the world, that neither height nor depth, nor any creature, shall separate him from this good and great cause.

How easy is it, if the spirit be good and true in this matter, to prevent schisms, or even an approach to them. The field is a wide one, and offers numberless occasions for useful action. Men are only to unite in the great interest of preventing intemperance; they may agree to differ in the means they will employ. They may adopt or refuse to subscibe to any or all pledges. They may unite in the support of what they believe to be true and best, and let others pursue the path of duty which they see lying openly before them. All men may and should see the good, the useful agency of others, under whatever banner they may be enrolled, and be ready to see and acknowledge both wherever they may exist. It is one of the saddest features of our times, in this and almost all other matters of great interest, that men who have adopted one set of doctrines, or are pursuing one course of measures, can see nothing to respect or to approve in those who differ from them, as if differences of opinion in politics or religion, have only moral delinquency for their origin, and tend wholly to evil, both here and hereafter. Should not this cause be saved from the inevitable consequences of allowing this spirit of the times to interfere with its action? Shall the mighty progress it is making, be for a moment checked by this unnecessary admixture of the popular infirmity, and men be kept from its ranks by an exclusiveness which does in no sense belong to it, and which, if allowed to operate at all, no matter how slightly, can do nothing but harm?

What now has been accomplished by the means described, employed as they have been in an almost infinite variety of ways, and in a spirit and with a zeal which has never tired or fainted? This is a question of great interest. I can give it but a very general answer. This answer, in the first place, is found in the numbers and characters of those who have joined themselves to this cause. Thousands, nay, millions in our own country, have come forward in its support, and great numbers have united themselves to it abroad. Again, the change it has produced in the habits of society, is a most important fact in its blessed ministry. Distilled liquors, which, a very few years ago, were used by every body,—which were thought essential to the healthful use of the frame in labor, and which were offered to friends and casual visiters in token of hospitality; these drinks have long been almost entirely abstained from by a large and important classes throughout the land. The exceptions are so few to this statement, that they support what is advanced, rather than diminish its force. This abstinence from distilled drinks, has gradually led to a greatly diminished use of wine and other fermented drinks, which formerly were so generally employed, and in no very measured quantities. The quantity in all, has been lessened, and the quality less harmful. These are facts, and most encouraging truths are they. They urge us onward by an authority and eloquence which cannot be resisted, for they teach that multitudes have thus been saved from the certain ruin which awaited them. It is a very interesting fact in this history, that much of this change has been brought about without any direct agency of the cause which has produced it. So far from such agency, that many have made this great change in their habits, who have either been opposed to this cause, or have never openly applied its doctrines to themselves. They have showed that a moral power was in operation about them, which, however little they might note it, was acting upon, and within themselves. They have not resisted the influence, and their practice has, at length, harmonized with it. Much the larger number, however, have placed themselves voluntarily in

the ranks of temperance,—the light has come to them with healing in it beams,—they have opened their eyes to the faintest dawning of that light, and labored to dispense its best influence to all within their reach.

The cause has extended itself over both town and country. In the country its power has been greatly wanted, and it has been strikingly felt. Intemperance there has produced its most fatal effects. It has led to a reckless indifference about highly important interests. Real property has rapidly changed hands, and men who were in the possession of comfortable farms, and sufficient stock, have, by this vice, wasted their estates, and made paupers of themselves and their families. The last year's annual report contains illustrations of this fact, and shows that, in many instances, the same farm has repeatedly passed into different hands, and with a rapidity one can hardly believe. But vigorous measures have been adopted to prevent all this calamity. Whole counties, and numerous towns, have come forward as one man, and have voted in public, open assembly, that licenses shall not be granted for the sale of ardent spirits. Here is an expression of sentiment most honorable to the country. Here is moral strength, showing itself in moral acts, and at once producing results of almost overwhelming interest. How healthful must the tone of public feeling be, when it thus determines for itself that it will cheerfully make large pecuniary sacrifices, for securing a vast good. How sure is the progress of the temperance cause when ministered to by such a state of the public sentiment. It is grateful to dwell on such a fact in our State history. We may now look with the deepest pleasure to the whole fair south of our Commonwealth, for we cannot find throughout its whole domain, one man who finds his own subsistence, however unconsciously, in the unutterable misery of a single individual around him. And how is this pleasure increased by another truth,—the fact that the intemperate have, in the completeness of such a work, a time of rest from indulgence,—a time to learn again what a blessing is temperance, and to lay anew the deep foundations for present and future

felicity. There is every thing to favor the progress of temperance in the country. We find it in the general diffusion of education,—it the regular observance of the Sabbath, which collects together for the highest purposes, those who, for the week, are more or less separated by distance, and the needed labors of every day,—in the kind of labor, its regularity, depending on the season,—the interest there is in it of a sure reward; and, finally, the consciousness of the honorableness of an occupation which is immediately contributing to comfort and competency. Men labor hard in the country, but the great majority are engaged in the same toil. It is of a nature, however, not to stimulate the individual to any ruinous exertion of strength, and the hard spirit of excessive competition is not every where abroad, to minister to the same excess. The spring comes with its seed time and its promise,—the summer, with its ripening influences,—and autumn, with its full, rich harvest,—winter, which brings with it rest to the wearied earth, has the same blessing in its gift for wearied man, and, at this season, the school house is opened, and the young, and the mature in body, are found side by side, in the useful labor of learning. Moderation and temperance are the peculiar blessings of a country life, and, though these have been deeply hurt by intemperance, how sure is the prospect that they will acquire their native power again, and bring back with them, what, for a time, has been so mournfully lost.

Under less favorable circumstances, this cause has made good progress in the cities of our country. In our own, this is manifested first in the great reduction of licenses for retailing spirits. Not one half in number are granted now, compared with a few years since, while, within the same period, the population has greatly increased. In the next place, the number of those who have joined temperance societies, amounts to many thousands, and these have constantly exerted a beneficial influence on the community. They are from all classes and from all occupations, teaching in this single fact, how applicable is the object to all and to each,—how great is the interest of every individual, of

whatever rank, in the progress and ultimate success of this enterprise.

The circumstances which are unfavorable to its progress in large cities, are mainly found in what distinguish them from the country. These are the spirit of competition, which, found as it is, in every occupation, presses men forward, on all sides, by a direct rivalry to accomplish not only more than any body else, but all their own minds and bodies are possibly equal to. Next, artificial wants unite with those which are more strictly natural, to increase the demand on active enterprise. Large capitals are necessarily invested in great operations, and the uncertainty of the issue produces and constantly ministers to anxiety and disquiet. It is in cities, too, that these capitals are employed in the business of distilling, and for how many years was this regarded in the same light with all other uses of money. Then, the sale of distilled liquors as drink, was regarded as all other traffic was. Now, it is not easy to remove such impressions. What has been done by one's ancestors, for many preceding generations, and without a suspicion, it may be, that evil was its product or consequences, may retain its character of harmlessness a long time after it is fully demonstrated that the whole business is most ruinous in its effects, spreading a misery more overwhelming than fire, or all the elements united to work destruction. A man who is producing and selling hundreds of gallons of rum daily, is not apt to stop and ask what may be the effects of gills or pints sold hourly to men, of whom he may never hear, and never has known. The connection between such operations is not an intuitive induction, and it is rarely, if ever, voluntarily looked for. We can explain all this by what the human mind discovers of itself, both in our observation of ourselves or others. There is a mighty power at work whenever self-interest is involved in important questions concerning the nature and effects of individual occupation, and much allowance should be made for this in all the judgments that others may form of such occupations or business.

Two facts present themselves here of great interest. Some

men have given up the business of distilling, and the sale of distilled spirits, either because they have become convinced that they are, in their consequences, tremendous evils, or from causes apart from such conviction. They have now acknowledged that there have been times when they felt what injury they were doing, but have argued away their convictions,—they have resisted the truth, because it came to them in a way which was offensive to them, either because it did not break upon them by its own light, but was revealed to them by other minds,—or because it was ungracious in its manner, and instead of conviction it produced only resistance. Another fact, and exceedingly important is it, is this, those most nearly concerned in the manufacture and traffic in ardent spirits, rarely, if ever, use them themselves as drink, or make them a common drink for their families and children. To make an open drunkard of one's wife,—to spread the unutterable misery of intemperance through one's family,—to see, daily, a son, or, more awful still, a daughter, in their earliest infancy laying the sure foundations of a habit utterly and necessarily destructive to soul and body, and to see all this the fruits of that occupation, by means of which we not only obtain bread, but affluence,—such a picture as this, it is believed, has rarely been presented, and such, it is believed, will rarely be seen. This fact was said to be an important one, it leads to inferences most momentous in their connection with the temperance reform. It gives authority to, nay, claims of it to go forward in its kind, its blessed ministry, till it has reached all hearts, and has converted to itself every member of every community. Now this it will do. How can it fail? It addresses itself to the moral nature, in the largest use of the term. It belongs to and had its rise in that nature, and while this continues to be what it has been through man's whole history, its language must be understood; and, though circumstances may render for a time the ear dull, and the heart insensible, these circumstances will gradually undergo modifications, and their disturbing power, in the reception of moral truth, will, at length, lose all its influence.

It is replied that the business referred to cannot be given up without great losses, great pecuniary sacrifices,—that contracts have been made, and that these must be complied with,—that credit has been obtained, aud that the debt must be discharged, that no one, the most devoted friend of temperance, will come forward to make good all this loss, with his wealth, or forego his business operations and their profits to make the sacrifice less. It may be said the individual is only incidentally concerned in the manufacture or traffic, and must lose a portion of his business by refusing to sell on commission. All this may be true. The sacrifice may even be greater, and barely competence remain after the business is abandoned. But are these good reasons for its continuance? The question is respectfully put. It involves another, and an important one. To what is the sacrifice to be made? Is it to be made to no individual, to no temperance society, or to all such societies combined. No. The sacrifice is to be made to no human institution. It is simply and wholly to the truth, that living principle in man's soul, that it must be made. The altar for the sacrifice, is the human heart. Under the blessed ministry of self-devotion to good, of true benevolence, its holy fire, ascending to heaven, will give warmth and growth to all other virtues, and will, by an immutable law of the moral nature, do the truest good to others, as well as to ourselves. Is there anything visionary or extravagant or impertinent in the proposition that such a sacrifice is demanded by the truth? Is it in our day, with the floods, the oceans of light, which now beam upon this topic, is it for a moment questioned by any one, let his interests be what they may, that intemperance is the greatest evil which can be inflicted upon man. Is there any doubt about this matter? If there be, if any one who hears me, has such a doubt, let him go with me to the dwelling place of intemperance,—let him witness the depths of misery which are there,—there he will see the completeness of sorrow, for it is without hope. It is not poverty, with all its daily and hourly sufferings, its cold, its hunger, and its nakedness. It is not sickness, with its acute bodily pains, its

feverish days, and its sleepless nights,—it is not these, though intemperance owns them all,—but it is the deep desolation of the soul,—the sickness, the death, I had said, of the spiritual nature,—the wild, the furious, the cruel acts and ravings of a voluntary and responsible maniac,—a wretched and abused wife, and children, who brought love with them, and innocence, and helpless dependence, and a capacity for endless moral and intellectual progress, cruelly wronged of all this, their birthright, and made only and wholly wretched. This is the scene to which I invite the doubter, if a doubter there be. But there is not one here; there can be no such, who has but used his eyes, or given the most careless and casual attention to what is passing around him. It is the truth, then, which declares intemperance to be the fruitful mother of so vast evil, that it is itself the consummation of misery. It is then to this great, this appalling truth, that the sacrifice is to be made, and when it is made in its fulness, and its perfectness,—when the means of such unutterable misery are banished from the earth,—when the ocean is no longer burthened with them, in their voyages to distant and uncivilized lands,—when the world shall be relieved from this spirit of evil, what will be the cause for rejoicing? How will his heart swell with this joy who has made the greatest sacrifice! His agency in all this good, will be direct, unquestioned by his own heart, or by others. He will have his place with the long honored and the long loved, with the glorious company of philanthropists, whose record is on high.

In this address, individuals and societies have been spoken of in their connection with this cause, and both individuals and societies have a relation with it which should never be overlooked. Still, it ought ever to be remembered, that this cause is neither an individual, nor a society, nor all societies formed on its behalf. The temperance enterprise has its real foundation in true civilization, or that state of society in which individuals and masses of men, have, by a sure, but slow progress, arrived at the great truth that, self-sacrifice and self-devotion to great and important interests, are paramount duties, and that truth to

them in all their relations, requires their unabated zeal and their untiring energy. A foundation, so deeply laid in moral development, and moral progress, cannot be shaken. It has become the interest of every good man, to support such a cause in whatsoever way his action may be beneficial. Its progress is onward and inward, reaching every individual, and acting upon all with an irresistible power. A good and great work has devolved upon us ; yes upon us, and we must be faithful to it. It is full of hope, and in its triumph will be full of felicity. Let us not shrink from it, in thought, in word, or in deed. Let us and the whole world, be faithful to it, and it will be to us and to the world, a never failing friend.

THE

TWENTY-FOURTH

ANNUAL REPORT

OF THE

Massachusetts Temperance Society,

FOR THE YEAR ENDING MAY 27, 1836.

PUBLISHED BY ORDER OF THE SOCIETY

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1836.

REPORT.

The Council of the Massachusetts Temperance Society, respectfully offer the following Report for the year ending May, 27, 1836.

In reviewing the events of the past year, the Council have the melancholy duty to record the deaths of two members of the society, who have sustained important offices in this board. The Rev. Hosea Hildreth died suddenly the last summer, while in the office, and performing the arduous duties of Corresponding Secretary, and Agent of the society. Mr. Hildreth entered early into the public service of the temperance cause. For some time he continued his pastoral connection with his congregation in Gloucester, while engagedin the agency; but at length relinquished that connection, and devoted the most of his time to the society. Mr. Hildreth's reports testify to his zeal in the cause, and at the same time show his success. The report of the last year is particularly interesting. Mr. Hildreth collected for that report a great number of facts, which bear directly on the important question, how far the continued possession of real property may be affected by intemperance, or what changes of ownership in such property intemperance may produce. The report shows how numerous and how melancholy these changes have been in our own State. Had its author lived, he would doubtless have continued his researches,

and presented the public with results of startling moment, and calculated to produce most salutary effects. The Council regard the facts bearing on this subject, contained in the last annual report, so momentous that they here present them again to the society and to the public.

"Since the last annual meeting, the corresponding secretary has made many inquiries concerning the number of estates, which in different towns have gone from the hands of their owners, in consequence of the use of ardent spirit, within the last thirty or thirty-five years. From motives of delicacy, or other causes, the answers to inquiries have not been so numerous as it was hoped they would be; but they have been sufficient to show that the temperance reformation was hardly less needed in the country, than on the seaboard.

"In a town in the interior, containing, at the last census, less than twelve hundred inhabitants, twenty farms have been lost to the owners, since the year 1800, through intemperance; and the owners of twenty more have been reduced from the same cause, sold their farms, moved out of town, and come to poverty. This town is now remarkable for temperance. An elderly inhabitant remarked that twenty years ago three families in five were becoming poorer; 'but now,' said he, 'the town is highly prosperous, and if any family among us is becoming poorer, it is because there is a drunkard in it.'

"From an aged and respectable inhabitant of another town, the following has been received: 'As I promised, I have cast my eye over the parish to which I belong, containing a population of about thirteen hundred, and I find, that within thirty-five years past, at least thirty-five farms and tenements have gone out of the owners' hands, in consequence of the use of ardent spirit; and, in a short time, five more may be safely added.'

"In another town, containing less than nine hundred inhabitants, and about one hundred farms, and, at present, greatly distinguished for temperance and prosperity, it has been found that thirty farms within the same period, have been lost in the same way, and in some instances the same farm has been twice lost.

"A correspondent from another town, of about thirteen hundred inhabitants, says, 'I have submitted your inquiries to two gentlemen, who have been conversant with the affairs of this town for forty or fifty years, and they have informed me, that twenty-two farms have passed from the hands of the owners, in consequence of the use of ardent spitit, within the last twenty years.'

"Another correspondent from a town of about the same number of inhabitants, says, 'I have consulted with some other individuals, and we find the subject rather difficult; but have counted thirty-seven cases in which farms have changed owners, in consequence of spirit, since 1800. I expect this is too low, and it is but a fraction of the whole number of persons, who have ruined themselves, and spent what little property they had, in that time.' 'In this town,' he adds, 'are small cider distilleries, and the owners are in the habit of selling cider-brandy by the gallon or quart.'

"In the region of cider distilleries, two or three years ago, in a single school district of twenty-eight families, eighteen of the heads were intemperate, and eleven of the husbands in the habit of beating their wives.

"From a highly respectable citizen of a large and flourishing town, containing, at the last census, about two thousand five hundred inhabitants, the following has been received:—'I have ascertained, as well as I could, the number of farms that have been lost, or their value been exhausted, so that they were obliged to be sold, and little or nothing remained, by reason of the too great use of ardent spirit, in this town, within thirty years last past, and find the number to be one hundred and two.'

"In other towns the results have been similar to those above given.

"A respectable physician in the country thus writes:—There is one other item in the statistics of intemperance, which it seems to me demands more attention than has hitherto been given to it; I mean the proportional number of premature deaths caused by alcohol. There are very many, who are reputed temperate,

sober and steady men, who, perhaps, never got drunk in their lives, but who come to an untimely end, in consequence of using small quantities daily. I have known many instances of the kind, when the cause was not dreamed of by their neighbors and most intimate friends. I have been in this town about ten years, and I think I speak within bounds, when I say, that during that time three-fourths of all deaths of adult males between the ages of twenty and fifty years, have been caused directly or indirectly by alcohol.'

"In a respectable town, where good progress has been made in the temperance reform, of eighteen men over twenty-one years of age, who died within the period of four years previous to December 1834, ten were intemperate.

"A correspondent from a town in the county of Berkshire, says, 'I cannot state the number of farms that have passed from their owners within the time you name. There have been several persons within my recollection, who have lost their estates wholly, or become so embarrassed as to be obliged to sell, principally from the too free use of spirit. Indeed, I think the embarrassment and consequent loss of property of which three-fifths of our farmers and mechanics complain in this county, can fairly be traced to this source. When we see that six and a quarter cents only per day, spent in this form, amounts to twenty-two dollars and eighty-one cents, in a year, we can easily see, why a man, a hard working man, who has a small farm, worth from twelve to fifteen hundred dollars, is obliged to sell at forty-five years of age, his whole estate, to pay from six hundred to one thousand dollars, that he finds himself indebted for. Whereas, had even this small sum been secured, and put on interest yearly, he would have found himself at the same age, a man in prosperous circumstances, and wholly free from the danger of intemperance.'" The death of such a man, as Mr. Hildreth, in the midst of such labors, is a public loss. His name will be long remembered by the friends of temperance, and it has a permanent place in the recordsof the society.

Dr. J. G. Stevenson resigned his office of Recording Secre-

tary of the society only when disease made it impossible for him to continue longer in its active service. His death happened the last summer, while absent from home in the hope of regaining his health. The Council will long remember with what fidelity, wisdom, and zeal, Dr. Stevenson devoted himself to his official duties, and to the interests of the cause in which he was so heartily engaged. Nothing but ill health ever kept him from the meetings of the board, and his records are remarkable for the care with which they were kept. He always expressed the truest interest in the progress and success of the society. His death is a great loss to the cause among us. He died at the age of thirty-six, in the maturity of his powers, and after having given the fairest promise of a continued and increasing interest in the temperance enterprise.

Since the death of the Corresponding Secretary, the Council have been anxiously inquiring for some one to fill this important office. When the duties of this officer are recollected, how much of the active agency of the society devolves upon him, it will not be thought very surprising that the office has so long remained vacant. The Council congratulate the society and the public, that they have at length secured for a limited time, the services of a gentleman who has long been devoted to the business of such an agency, and that he will very shortly enter upon his labors. The Council beg leave particularly to commend the agent of the society, Mr. J. Kittredge, to the kind regards of the friends of temperance throughout the Commonwealth. He must look to them for sympathy and countenance in his arduous labors. He may learn from them much that it is of the greatest importance to his success that he should know; where, in short, his efforts will be the most useful, and the best direction he can give them to ensure their success.

Among the important events of the past year, is the State Temperance Convention, which was appointed by the Council, and was held in Boston, on the twenty-third and twenty-fourth of September last. The Convention was numerous, and highly respectable. Delegates came to it from all parts of the Com-

monwealth, and from other States, to declare publicly their interest in the cause, and to deliberate concerning measures for securing to it uninterrupted and rapid progress. The debates were animated and striking for the zeal taken in various matters relating to temperance; and many resolutions were passed. Abstinence from the use of all intoxicating liquors, as drinks, was earnestly recommended to the friends of temperance, and resolutions containing this recommendation were passed by large majorities. Among the events of the past year this convention holds a conspicuous place, and will doubtless have produced lasting effects.

A very important public meeting was held on the twenty-fifth of February, of this year. The Council refer to the "Simultaneous meeting of the friends of temperance." This meeting was begun by the American Temperance Society, an institution which has so frequently occupied the foremost ground in the most important movements which have been made in this cause. The meeting of this year, was the third the Society has held, and was fully attended. The services consisted in prayers, music, and an address by Rev. Mr. Whittemore. Such anniversaries are calculated to do much good. They help to keep the objects for which they were instituted, constantly before the public, and by the numbers and characters of those who assemble and take part in their celebration, add to the importance and dignity of the objects themselves. When now it is recollected that these meetings are held all over the country, nay, that they are held on the same day in distant climes, how cheering do they become to the philanthropist, and what a promise do they give that the purpose for which they were established will certainly be accomplished. The New York State Temperance Convention of the last year, deserves particular notice, when referring to similar meetings; while the proposed meeting under the title of the American Temperance Union, at Saratoga, in August next, shows how strong is the interest taken in that great State in the temperance enterprise.

Lectures on temperance, as in former years, have formed a

part, and a very important part of the means for promoting the cause, during the last year. The Council refer to these with great pleasure, and freely express their obligations to those who have with great liberality aided in supporting them. Mr. C. Dunkin, Rev. Mr. Whittemore, and Rev. Mr. Hunt, of North Carolina, have been among the public lecturers of the year past.

A society which promises most excellent results, has lately been formed in our city. The Council refer to the Irish Temperance Society. This society is singularly liberal in regard to its terms of admission. Neither religious sect, nor political party, are allowed to interfere with its elections of members. Its constitution,—the resolutions adopted at its late meeting,—the tone which prevails in the published letters of its president,—all show that the members of this society are solemnly resolved to be temperate, and to publish temperance,—in short, to do their part to promote this great virtue wherever they have the least influence. The Council cordially wish them success.

Temperance publications fill so important a place among the means for promoting temperance, that they should always have a distinct place in any review of the operations of a year. In referring to their own publications, the Council are happy to notice the efforts of the American Temperance Society, and of other institutions in the land. The publications of our own Society, of all kinds, amount to about 400,000 pages, and have been industriously distributed. Much expense has been incurred in doing all this, and this expense falls upon a few. The Council respectfully submit this subject to the friends of temperance, and solicit their aid in carrying on this important part of the enterprise. Funds are wanted for the important purpose of publishing and distributing works which cannot fail to be highly useful. They ask for these means of increasing usefulness. The cause demands them. The public demands them. It is highly important that a press devoted to this great subject should be supported by its friends. The public press has been looked to, but in other absorbing interests of the day, room is not found for the daily wants of this cause. It is most earnestly

hoped that means will be speedily furnished for supplying this great deficiency.

Among the events of the past year, which should be more particularly noticed by the Council, are the changes which have been made in the license laws of this Commonwealth, and the great reduction of licenses under them, which have been granted.

The material changes introduced into the license law the last year, are as follows:

1. The quantity not allowed to be sold without a license, is enlarged fom *ten* gallons to *twenty-eight*.

2. Innholders and common victuallers are absolutely prohibited from suffering "any minor or servant, travellers excepted, from having any strong drink there," (i. e. at their places of business,) —formerly the following clause was a part of the prohibition, viz.; "after having been forbidden by their respective parents, guardians, or masters."

3. The selectmen of towns are now obliged to certify in their approbation of any applicant for a license, "that after mature consideration had thereon, *at a meeting held for that purpose, at which we were each of us present*, we are of opinion that the public good requires that the petition of ——— be granted." What is written in italics, was not in the former law, and the practice was to apply to the selectmen, separately, and gain the signatures of one, on the assertion that the others, or enough of them to make a majority, would also sign.

In the one hundred and thirtieth chapter of offences against chattels, morality and decency, the following section (§ 18,) may be found:

"Any person who shall be guilty of the crime of drunkenness, by the voluntary use of any intoxicating liquor, for the first offence, shall be punished by a fine not exceeding five dollars, and for any like offence, committed after the first conviction, shall be punished by a fine not exceeding ten dollars, or by confinement in the House of Correction, for a term not exceeding three months, but no prosecution for such offence shall be sustained, unless it shall be commenced within six months after the commission thereof."

If drunkenness were not an indubitable crime, it follows as a legal consequence, that a verbal allegation of drunkenness would not constitute slander, or defamation of character, for which reparation could be sought by a civil action, except, indeed, in the case of ministers, who were protected against such a charge, on account of the nature of their profession. Now, any man who is falsely charged with drunkenness, has a remedy by civil action for damages.

As to the number of licenses granted in the capital now, compared with former years, we find them greatly reduced. Thus, In 1822, they were 709, in 1826, they were 572,
" 1832, " " 410, " 1835, " " 309.

The change is very striking, especially if we take into the calculation the vast increase of the population since 1822.

How far there may be individuals now selling without licenses, if any, the Council are unable to judge. The number, it is hoped, is small; for which the public are greatly indebted to the vigilance of the city authorities.

In several of the counties no licenses are granted, and it is believed the day is not far distant when none will be called for.

The Council feel it to be a duty they owe to those associated with this society for promoting the temperance combination, to notice some of the topics of most pressing interest which now engross so much of the attention and deep interest of the friends of this reform. There is one which especially claims their regard, viz.: the proposition to include all intoxicating drinks in the pledge of total abstinence. This subject has engaged much of the attention of the Council. They believe it proposes a great good, and that the temperance enterprise will surely lead to its full adoption. It is now fairly before the public. It is made the subject of frequent and earnest thought, by many who still have question of its practicability. At this stage of the discussion of this proposition, this is as far, probably, as its best friends can expect public opinion to have reached. When we recollect how almost universally the practice of daily using distilled liquors as drink has been laid aside, and by those especially

who have never taken any active part whatever in the temperance cause, is it in any sense premature to express now the belief that the time is not far distant when the use of intoxicating drinks will be as generally abandoned. Let the connection of this subject with the whole doctrine and practice of temperance be understood,—let it be known and felt that wine is not necessary to the best health and comfort of either body or mind,—especially let it be understood that, to the young, its use must always in its measure be injurious, and the explanation of such effect be simply and fully made, and we cannot but indulge the belief that the custom will decline, and, at length, wholly cease. The temperance cause looks to the young as its strongest hope in this matter, and its trust, it is believed, will not be disappointed.

Much has been already done by the temperance enterprise; the results are truly astonishing. The power of the truth is manifesting itself by the revelations of every day. The harvest is indeed most abundant. But still a vast deal remains to be done. Intemperance is still an enormous evil. Its effects are before us in almost all the hours of every day. With such facts before them, the Council cannot but appeal again as they have before, and often, to the deep interest the whole public have in a cause which offers certain means for preventing such tremendous evil. They would be faithless to their high trust should they ever cease to press the claims of such a cause upon the most earnest attention of every member of every community who has the remotest interest in the peace, the safety, the happiness of such community. They would press its claims on legislators and magistrates, and plead, nay, demand of them their active agency in carrying forward the great enterprise in which they are engaged. The time has come for the most energetic action in this matter. This may be full of kindness, full of charity for human infirmity, and may make all allowance for that form of it which is produced, or sustained in individuals by the strong and blinding influence of personal, pecuniary interest. Still, this infirmity must be reached, and man must learn that,

in the full and unrestrained dispensing to others of what he knows to be alike ruinous to soul, body and estate, and almost by the force of necessity leads to vice, pauperism and crime, he is an agent, a direct agent, in the production of sin, which, but for his agency, might never have been committed. To this great subject the Council have given and will continue to give the most earnest, serious attention. It may not be in their day that the whole of this evil, and the whole of its means shall cease, but with all the friends of temperance and of man, how sincere will be their joy for any part they may have taken towards so blessed, so wished for a consummation.

The Council regret their inability to furnish to the society any details of temperance movements in the State for the past year. The death of the Agent has rendered the preparation of such a report impossible. They have endeavored in some measure to supply what would have been so much more grateful to the society, by such general views and statements as have been within the reach of their own immediate observation.

NOTE.

Extracts from the records of the Society.

Presidents of the Society.

The first President of the Society was Hon. SAMUEL DEXTER.

Hon. NATHAN DANE succeeded to Mr. Dexter.

JUDGE PARKER, afterwards Chief Justice, was the next President.

JOHN C. WARREN, M. D. the present President, succeeded Judge Parker.

"The first quarterly meeting of the Board (Council) was held at the house of the Hon. Samuel Dexter, President of the Society, Tuesday, fourth of May, 1813, at 10 o'clock, A. M." The President informed the Board that, as he should be absent from town at the time of the annual meeting, he could not deliver the annual address at that time.

Annual Addresses, and by whom delivered.

President Kirkland	pronounced the address		May 27, 1814.
Rev. Abiel Abbott,	"	"	June 2, 1815.
Rev. Dr. Appleton,	"	"	June 1, 1816.
Rev. Dr. Worcester,	"	"	May 30, 1817.
Rev. William E. Channing,		"	May 29, 1818.
Hon. Samuel Haven,	"	"	May 28, 1819.
Rev. Dr. Porter,	"	"	June 2, 1820.
Rev. William Jenks,	"	"	June 1, 1821.
Professor Edward Everett,		"	May 31, 1822.
Rev. Henry Ware,	"	"	May 30, 1823.
John Ware, M. D.,	"	"	May 27, 1825.
Gamaliel Bradford, M. D.,		"	June 1, 1826.

Charles Sprague, Esq.	"	"	May 31, 1827.
Joshua B. Flint, M. D.	"	"	May 29, 1828.
Rev. James Walker,	"	"	May 28, 1829.
Hon. James T. Austin,	"	"	May 27, 1830.
Hon. Alexander H. Everett,		"	May 26, 1831.
Hon. William Sullivan,	"	"	May 23, 1832.
Lucius M. Sargent, Esq.		"	May 27, 1833.
Rev. Baron Stow,	"	"	May 30, 1834.
Rev. Samuel K. Lothrop,		"	May 31, 1835.
Walter Channing, M. D.,		"	May 29, 1836.

At the annual meeting, held in the room of the theological library, Chauncey Place, December 15, 1818, a committee was appointed to confer with the committee of finance, of the commonwealth, upon the expediency of laying a tax upon retailers, and other venders of spirituous liquors within the same. Mr. Clapp, from this committee, reported at the annual meeting, 1819, "that, upon enquiry, he found that they (the finance committee) did not intend to propose any new source of revenue at the winter session of the legislature, and, therefore, nothing could be done concerning the tax on retailers, &c."

Annual reports were regularly made at the anniversary meetings, and orders passed to print and publish the same.

December 7, 1820.—A committee consisting of *Hon. Judge Davis, Nathan Dane, Rev. Dr. Porter, Rev. Messrs. Lowell,* and *Jenks,* and *William Thurston, Esq.*, was appointed on the subject of petitioning the legislature to limit the number of taverners, retailers, &c.

April 19, 1821, *Voted:* That the corresponding secretary be authorized to address, by letter, the several agricultural societies, * * * * and "offer premiums to such persons as shall cultivate their farms without the use of ardent spirits."

LETTER,

ON

THE 'STATE OF

THE TEMPERANCE REFORM,'

TO THE

REV. CALEB STETSON,

OF MEDFORD, MASS.

BOSTON:
PUBLISHED BY WILLIAM S. DAMRELL,
No. 39 Washington Street,
AND
GOULD, KENDALL AND LINCOLN,
No 59 Washington Street.

1836.

LETTER.

Reverend and dear Sir,

You are the author of an article in the Christian Examiner, for March 1836, entitled the "state of the temperance reform." From the character of the journal, which you have selected, as the vehicle of your opinions, they are likely to go forth into the world, to a certain extent, for good or for evil. For my own part, I believe those opinions to be erroneous; and it is my intention to examine them, in such a manner, as, I trust, will give you the least possible offence.

I entertain too much respect for your character, as a minister of the gospel, to doubt, for an instant, that, when you first beheld your article in type, you felt some little misgivings in regard to the propriety of those personalities, which you have published in relation to me. Such things may afford a momentary satisfaction to an unconsecrated spirit, but I am assured, my dear sir, you can derive no permanent enjoyment from the contemplation of such incontinent expressions. I am not sensible of having given you the slightest intentional offence, during the session of the convention. It is true, in the commencement of my argument, in answer to yourself and one or two other gentlemen, I observed to the president of the convention, that I had once the honor to lecture in the pulpit of the gentleman who spoke last, and that I well remembered the injunctions I had received, at that time, to say nothing against fermented liquors. This, however, was uttered with a smile, and it was received with a smile, by the convention, and by yourself, as I then thought. I am not aware, that I have

ever given you occasion for the following remark: "The Sir Walter Scott of the temperance cause——we like this euphonious appellative and suppose he does, as it was given him by a friend, not in irony, but the reverse,—the Sir Walter Scott of the temperance cause has said a good many things about wine, &c., which we shall hold for apocryphal, until farther advised." You will readily admit, my dear sir, that, if any member of the convention, after your very zealous argument in favor of fermented drinks, being entirely of your own opinion, had compared your philanthropy, "*not in irony but the reverse*," to that of Clarkson or Howard, you could not have prevented the comparison. Yet, in my poor opinion, the inapplicability of the comparison would have been as palpable in one case as in the other. The highly respectable gentleman, who made use of the expression, I had not the honor to number among my personal friends. Suppose you could prove, that I was pleased with this compliment, would it give you any satisfaction to render me ridiculous, by an exhibition of my vanity? Surely this would afford no pleasure to a Christian. Now, although I cannot detect the most remote connexion between your subject, the "*state of the temperance reform*," and the fact, whether or no I was pleased with the appellation, which you appear disposed to continue, *in irony and not the reverse*, suffer me to do myself a little justice. When the expression struck my ear, the Hon. Mr. Reed of Marblehead was sitting next me—one of that "*company*," in which you inform us "*many members*" have resolved "*never more to appear*." If that gentleman can read the human countenance, and if I expressed my feelings with common fidelity, he must have perceived, that I was painfully sensible of the utter inapplicability of that appellation. In the preparation of those humble labors, which have given occasion to this misnomer, I have sought neither emolument nor fame, which were the well known desiderata of that distinguished novelist. I have endeavored, in my humble way, to do a little good, without even encumbering the title pages of these light performances with the writer's name. By the blessing of God upon these exertions, I can truly say I have had my reward. More than one poor widow has declared to me with tears of joy, that the perusal of some one of these Temperance Tales has wrought the reformation of her intemperate son, and caused a ray of sunlight to fall upon her declining years. You are too good a man to envy me the consolation,

which I derive from such a source. I wish I could ensure you a similar result from your labors in the Christian Examiner; but I fear the harvest which you may reap, from the seed you are industriously sowing, will be very different in its character. Since then such is not likely to be your reward, and as you have very frankly declared, that you "*like the euphonious appellative—the Sir Walter Scott of the Temperance Cause,*" I most freely and forgivingly, my dear sir, resign it exclusively to you.

You state that I have "*said a good many things about wine, &c. which*" you "*shall hold for apocryphal, until farther advised.*" I regret, that you have specified one only. You say, that, "*among other matters,*" I have asserted, there is "*an enormous amount of intemperance among the French people,*" who make wine a common beverage, and you ascribe to me the following expression, "*though never absolutely intoxicated, they are all burnt up, frenzied, wrought up to the point of battle, by the small wine of the country.*" Suffice it for me to say, that I have never employed this expression of universal application to the French people. I quoted before the convention a small part of Dr. Hewitt's remarks, upon the subject of French intemperance; I referred expressly to that gentleman for my authority; and, since you appear to doubt the correctness of the assertion, I will give you the entire passage, premising that Dr. Hewitt went to France expressly to obtain information, in regard to the habits of the people. The following are Dr. Hewitt's words, publicly delivered in Boston, before the American Temperance Society in 1833. "We have often heard, that France is a wine drinking but a temperate country. The latter is entirely false. The common people there are entirely burnt up with wine, and look exactly like the cider brandy drinkers of Connecticut and the New-England rum drinkers. If they do not drink to absolute stupefaction or intoxication, it is because sensuality with Frenchmen is a science and a system. They are too cunning to cut short their pleasures, by beastly drunkenness; and therefore they drink to just that pitch, at which their judgment and their moral sense are laid asleep, but all their other senses kept awake. This is the only satisfactory explanation of the strange inconsistencies of the French character; and it explains how, with their characteristic volatility, they are ready for any crime, that can be committed. Hence the frequency of the most

horrid crimes, such as burking, or stealing men, women, and children, to sell their corpses to surgeons. Their minds are kept at the point of excitement, when they are ready for any thing of this kind; while, at the same time, they know their own interest too well to drink to absolute stupefaction. Hence the horrors of the first revolution. Hence too the irritability and pugnacity of the lowest orders in Switzerland. The broils and quarrels and fighting produced by the wine drunk by the lowest orders are endless." Such is the testimony of Dr. Hewitt.

You proceed to assert, that the French people do get intoxicated with "*the unspeakable quantities of brandy and rum, drank by those who do not choose wine.*" I have never had a doubt of this fact: I have repeatedly asserted it, in temperance meetings and in the public journals. It is not denied, that multitudes of Frenchmen get drunk with brandy; but it is most truly affirmed, that multitudes of Frenchmen get drunk with wine; that wine drunkenness is more common in some provinces of France than in others, and more common also at some seasons of the year than at others;—that intoxication, produced by wine, is not so likely to reduce its subject to a mass of inert and harmless matter, as intoxication, produced by malt liquor or ardent spirits;—that the wine drunkard is capable of standing upon his legs, for a longer time, after his moral sense and all self-government are gone; and that such a being, though drunk, can wield the bludgeon, and fire the carbine, and plunge the stiletto. Such was my meaning, when I addressed the convention; and, after repeated inquiries of other members, I find myself to have been so understood. Permit me to hope, now I have committed my thoughts to paper, that you will charitably spare me from farther misrepresentation.

You appear highly gratified with the "address from the council of the Massachusetts Temperance Society to the friends of Temperance." "*It is so good,*" that you would gladly extract "*a great part of it;*" and there you "*find a strong confirmation from high authority of what*" you "*have been saying.*" I believe I must abate a small portion of your satisfaction, in respect to this report, by suggesting the fact, that this report does not receive the approbation of the elder members of that council, from which it ostensibly proceeds. The senior members of the council do not approve this report. What then is this "high authority" to which you refer? The

sentiments, the reasoning, the chemistry of this document are diametrically opposite to those, which Dr. John C. Warren himself,—the President of the Society and of the council, has so frequently maintained, and which have become matters of public and unalterable record. I commend to your serious attention the letter from Dr. Edwards to the friends of temperance, condemnatory of this "address," which in your judgment, is "*so good*," and from such "high authority."

A prodigious change is often produced, in our estimate of such matters, by a knowledge of the real source, from which they proceed. The automatic chess-player of Maelzel would cease to excite our surprise and admiration, could we fairly see the little green gentleman, who is believed, by the most acute mechanicians, to lurk within and pull the wires. My regard for the temperance cause, and my respect for that overwhelming majority in the convention, to whom the promulgation of the document in question is deemed an act of signal injustice, induce me to express myself upon this point, with perfect freedom. This document was prepared by one gentleman, who, when the Massachusetts Society was reorganized, adopting the pledge, and recognizing the principle of total abstinence, was among the most decided opponents of that reorganization. He was assisted, in a revision and improvement of the original document, by another gentleman, who has published his opinion, that *it would be wise not to introduce abstinence from all intoxicating liquors into the pledge: he does not say there would not be wisdom in every man's abstaining from these, though he is not certain that there would.* Such is the opinion of this gentleman, carefully collected from his printed labors; and it is certainly as safe and well balanced an opinion, as the response of the oracle, to which it bears a felicitous resemblance, *aio te Romanos Æacidem vincere posse!* Now sir, I ask you if you can marvel at all, that this production is "*so good?*" You will very naturally inquire, how came this document, which the senior members do not approve, to be published, apparently as the act of the council? To this interrogatory, I can only give you the same answer, which was returned by the memorable Mather Biles, to a lady, who requested his opinion, as to the cause of the darkness, during the dark day,—*I am as much in the dark as you are.* Nevertheless, I repeat to you the fact, that the senior members of the council, "*do not like*" this document; nor can they, without a recantation of their

opinions, publicly and frequently declared ; nor is this disapprobation confined to the senior members. Now my dear sir, as I am aware that there is a class of persons, highly respectable for their numbers, who are prone to account most things *apocryphal*, which do not quadrate with their own preconceived and favorite opinions, I beg you to relieve yourself of all painful suspense upon these points, should any arise in your mind, by a direct application to me for my authority, which is entirely at your service. So much then for the "HIGH AUTHORITY" of this document.

But it is "*so good.*" I can scarcely understand you as meaning to say *so logical,—so full of facts,—so firmly based on truth and soberness*, but it is so very agreeable to you ;—it meets your own notions so entirely ;—the whole article is so thoroughly fermented. Now, it is not my purpose to review this document, which has been already so ably examined by Dr. Edwards. From that, which is "*so good*," you have selected the *medulla*, the most savory part, and presented it to your readers. Let us do the same thing.

"How has it been with men taken in masses, men who have always used wine, and many of whom before the temperance movements used brandy, whiskey, &c., as a common or daily drink? Do these, it is asked, furnish the instances of drunkenness which have been produced by the moderate use of fermented liquors? But go still farther, go to the wine countries; France, for instance, and how stands the matter there? Some very curious facts have lately reached us in regard to France. It seems, that within a few years, the time is dated at or a little before the beginning of the reform here, that the people of France had gradually given up the use of wine as a common, every-day, and every-meal drink, and have since fallen into the habit of drinking distilled liquors, and from that time intemperance has appeared in the country, and is now making most alarming progress. In other words, giving up the old and free use of wine, and substituting the use of brandy, has brought upon the nation a curse never before known. This it is, which has led to the earnest appeals, which have been lately made to us, to lend our aid in suppressing this vast and growing evil."

Upon this precious fragment of the report, I propose to offer a few observations: first, as it bears directly upon my statement, in respect to French intemperance, which you conceive to be "*apocryphal ;*" and secondly, in relation to the very important

opinion, advanced in the preceding paragraph, as to the character and effects of wine.—First then, of French intemperance. What are these "*very curious facts*," which "*have lately reached us in regard to France?*" and what is the source from which they are derived? Are they from "*high authority*," or the tale of some accomplished supercargo, who has judged of all France, after a residence of thirty days in Havre or Marseilles? As we are left entirely in the dark, I shall follow your example, and hold such statements for "*apocryphal, until farther advised.*" "*Within a few years, the people of France have gradually given up the use of wine as a common every day and every meal drink, and have since fallen into the habit of drinking distilled liquors, and from that time intemperance has appeared in the country, and is now making a most alarming progress; in other words, giving up the old and free use of wine and substituting the use of brandy has brought upon the country a curse, never known before.*" "*Very curious facts*" we admit, and not the less so, for belonging to that second and numerous class, described by Dr. Witherspoon, facts that never happened. We doubt not the fact, that the French, in several provinces, have drunk brandy to excess for a *few years* past, and for *many years* past.[1] But who has transmitted this very precise account of an important and recent change in their habits? While it is confessedly a difficult matter to gather accurate statistics in our own country, who, beside Dr. Hewitt, has visited France, for the purpose of ascertaining the habits of that nation, and made such an examination, as to justify a statement of these "*very curious facts*," in regard to "*the French people?*" Congenial error is eagerly embraced by credulous ears. How very unphilosophical, nay more, how very absurd are these theories of drunkenness in France! And how very unfortunate is your own admission, that the drunkenness of France is greater than has been represented. It has been affirmed, by the advocates of wine, that the French drink wine freely, and are a temperate people; in other words that intoxication is not common in that country. This you deny; for you say that French intemperance "*is even worse than has been stated;*" and you proceed to declare, that it is produced "*chiefly, by the unspeakable*

[1] In Paris of the 30,000 persons, destroyed by cholera, it is said that a great proportion were intemperate or profligate.—Muzzy's Prize Address.

quantities of brandy and rum drunk by those, who do not use wine," admitting, as the word "*chiefly*" implies, that French drunkenness is produced *partly* by the use of wine—what then becomes of the French example? If the French drink such "*unspeakable quantities of brandy and rum,*" and the national drunkenness is "*even worse than has been represented,*" the French can not be called a *temperate* people, and this favorite example of French temperance, which has so long continued a stock argument for the wine drinker, and especially for the wine seller, falls to the ground. The junior members of the council now come to your assistance with their budget of "*facts very curious,*" and newly imported. The French, just now as it were, within a few years, have begun to drink brandy, and have brought "*a curse upon the nation never known before,*" and this curse has fallen upon them because they have given up "*the old and free use of wine!*" It is truly surprising, that such a legend should have been listened to, for a moment, by any reflecting man; and still more so, that it should have been gravely presented to the friends of temperance, as a fact under the sanction of "*high authority.*" Let us reason from experience and the nature of things. First, then, from experience. France has ever been unrivalled for the manufacture of *brandy.* Brandy is made in France, wherever wine is made. The wines of other countries yield little brandy by distillation, compared with those of France, especially of Languedoc and Provence.—Bourdeaux, Rochelle, Cogniac, Charenton, isle of Rhe, Orleans, Blassois, Poictou, Touraine, Anjou, Mentz, Burgundy, Champaigne, and many other cities and provinces of France have a high reputation throughout the whole world, for this tincture of destruction. "The large stock of small wines," says Mr. Cooper, in his complete system of distillation, "with which they are almost overrun in France, sufficiently accounts for their making such vast quantities of brandy, more than in other countries, that lie in warmer climates: nor is this the only fund for their brandies; for all the wine, that turns eager, is also condemned to the still, and in short all that they can neither export *nor consume at home, which amounts to a large quantity.*" The work, from which I quote, was published more than forty years ago. It appears therefore, that "*vast quantities*" of brandy were made in France and a considerable quantity *consumed* there more than forty years ago. This statement does not harmonize at all with the "*very curious*

facts," to which we have referred. Again—"it appears," says Dr. Lindsly, Prize Essay, ch. 2, "from various passages in authors of the latter part of the sixteenth and during the seventeenth centuries, that the intemperate use of alcoholic stimulants had, at that early period, made dreadful havoc of the health, and lives, and morals of the human race; and that then, as now, the warning voice of the philosopher, the divine, and the patriot was raised against this destructive vice and its dreadful consequences." Dr. Lindsly is here speaking of distilled spirits and especially of brandy, as will be perceived by recurring to the context. As more brandy has been made in France in every age of the manufacture, than in any other country, and as we have already shown you that a large portion of it was "*consumed at home*," shall we conclude that Frenchmen were less liable to its effects than men of any other countries? On the contrary we are told by a distinguished writer, that the use of inebriants "makes men furious in hot countries and stupid in cold ones."[2]

It would surely be an absurd and unnatural conclusion, that the French people had always exported the whole of that "*immense quantity*" of brandy, which, we are told, "*is made wherever wine is made.*" It would be equally absurd to suppose that the balance, "*consumed at home*," was not enough to produce a large amount of drunkenness. Thus much you assert, to prove that drunkenness exists in France; but you forget, that, by this admission, as we have said before, you destroy that beautiful precedent, upon which you and your friends have relied; for, if the French people be as intemperate as the average of mankind, it matters not by what means they are made so, since you can no longer speak of the French as a *temperate, wine drinking* people. I have also shown the assertion to be false and groundless, that the intemperate use of brandy by the French is of recent origin, that it has sprung up within "*a few years.*" When did it spring up? Undoubtedly with the manufacture. If the French had not found their new product agreeable and palatable to themselves, they would never have thought of presenting it to the rest of the world. "It would appear," says Dr. Lindsly, "that brandy did not come into general use, until the end of the fifteenth century." From its first manufacture to the pres-

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[2] Hist. Ind. v. 4, book 8.

ent day, it has unquestionably produced a great amount of drunkenness in France. While we are by no means agreed among ourselves, as to the real causes of all the drunkenness in our own country, is it not a work of presumption and supererogation, my reverend friend, to settle the question so very confidently, what are not and what are the real causes of drunkenness in a foreign land? I have no doubt, that, at the present day, and ever since the existence of brandy in France, wine has produced its share of the national drunkenness and so has brandy. I cannot doubt that there exist in France many drunkards, who drink little or no wine, and many drunkards, who drink little or no brandy. But what was the condition of things in France before the fifteenth century? Beer was employed as a drink, but wine was the general beverage, and were the French then "*a temperate though a wine drinking people?*"

Let us now proceed, secondly, to reason from analogy and the nature of things. Wine, in its philosophical import, produced from fruit or grain, that is, a fermented and of course an intoxicating liquor, has been a desideratum, in every age and nation of the earth. The only regions, where no kind of inebriating liquor is manufactured, are New Zealand, New South Wales and Van Diemen's land.[3] The Tartars and Chinese have made a species of wine from the flesh of sheep.[4] "All nations," said the elder Pliny, "have invented intoxicating drinks, so industrious is vice."[5] Drunkenness has been a domestic and national curse, since the first contrivance of intoxicating liquor, since the days of the drunkenness of Noah and the first quarrel after the flood. When God commanded Jeremiah to warn the Jews, that he would bring the curse of drunkenness upon all the inhabitants of Jerusalem, upon the kings that sat upon David's throne, and upon the priests, and upon the prophets; that he would not have mercy, but that he would dash the fathers and the sons together, and utterly destroy them; he bade the prophet communicate this awful warning, by a figurative expression, and say to the inhabitants of Jerusalem, that *every bottle should be filled with wine.* Such means were deemed, by the Almighty, quite sufficient for the work of national destruction. We are informed by Boulainvilliers and other historians of Mahomet, that his prohibition of wine was occasioned by such drunken-

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[3] Muzzy's Prize Address, p. 18. [4] Ibid. p. 13. [5] Nat. Hist. Book, XIV.

ness among his followers, as interfered with his military operations; but Sale, in his preliminary discourse, asserts, that the true reason may be found on the face of the Koran—"*they will ask thee concerning wine and lots: answer, in both there is great sin and also some things of use to men; but their sinfulness is greater than their use.*"[6] For a full and fair account of the drunkenness of Greece, we need only to examine the pages of the Archæologia Græca. The elder Pliny has given us a minute account of the drunkenness of ancient Rome. He enumerates ninety sorts of wine, and his account of the debauchery, which it produced, is so exceedingly interesting, that I invite your attention to an English version. Should any part of it appear to you "*apocryphal*" I beg you to compare it with the original.[7] Fermented liquors, and chiefly wine, were the means of drunkenness in all these countries, of old. Now, upon what authority or upon what principle, can it be asserted or supposed, that the French nation was an exception from this positive law, written as it appears, in the second natures, the habits, of mankind? You are satisfied, I presume, that no country upon earth has ever produced an equal quantity of wine, in the ratio of its population. The wines of France, before the contrivance of distilled alcohol for their enforcement, were of different degrees of goodness and strength. They were not all *small* wines, of course. Perhaps you will say, the climate of France is favorable to temperance. We are told by a distinguished French writer, that "*drunkenness predominates over all the world in proportion to the coldness and humidity of the climate.*"[8] Now, if you are satisfied with this theory, we solicit a philosophical application. You have seen, that in Greece and Rome, Judea and Arabia, there was no lack of the pure juice of the grape, and there was no lack of drunkenness. You will gain nothing by the application of the Baron de Montesquieu's theory to the climate of France.

So far from deeming the French nation an exception from the general rule, the antiquarian Camden appeared, even in his time, to believe that England had been comparatively the *terra beata* of temperance. "The English," says he, "who had hitherto, of all the northern nations shown themselves the least addicted to intemperate drinking and been commended for their sobriety, first learned in these wars in the Netherlands, to swal-

[6] Sale's Koran, Vol. I. p. 219.—Prelim. Disc. sec. V. [7] Appendix A.
[8] Montesquieu's Spirit of Laws, Vol. I. Book XIV. ch. X.

low a large quantity of intoxicating liquor, and to destroy their own health, by drinking that of others."[9] The Greeks also had their "*thin light wines;*" they frequently drank their wines diluted;[10] yet there was a vast amount of drunkenness in Greece. The resemblance between the French and Grecian entertainments has been remarked by an eminent writer.[11] Diodorus, who flourished, about forty-four years before Christ, writing of this very nation, under its ancient name, affirms that their chief beverage was, at that time, beer or mead; that they were fond of strong liquors, and used them to excess; and that the merchants of Italy carried on with the Gauls a lucrative trade in wines.[12] Can it be necessary to press this matter any farther? In the year 1808 we are informed by Chaptal, that the average amount of wine manufactured per annum in France, for the five preceding years, was 35,858,890 *hectolitres* or 934,184,500 gallons: of this enormous quantity one sixth was consumed in distillation.[13] After a fair allowance for exportation, it would be reasonable surely to suppose, that a sufficient balance remained to produce a vast amount of drunkenness. If an average amount of drunkenness be not produced, by such copious means, operating on a people, as excitable as any upon earth, it is, in truth, the greatest miracle of modern times.

I now invite your attention to the first sentence in your quotation from the "address," and which you say is "*so good.*" Let us carefully and impartially examine together, if it be *good* or *evil.*

"It is argued, that fermented liquors are as injurious, if not more so, than are distilled ones, in regard to the health of man. The answer to this is found altogether in experience; and what does experience teach? Wine, in the first place, is digested as are other alimentary drinks; it forms direct combination with other digested masses, and enters with them, at once, into the circulation, and subserves, with them, the great purposes of alimentation and nutrition. It is amenable to the laws of the economy. It is not a poison. It neither alters nor destroys the organization of the stomach, the liver, the blood-vessels, or the brain."—p. 89.

How opposite to the declarations of Dr. McNish in his Anatomy of Drunkenness!*

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[9] Hist. of Queen Elizabeth, Book III.
[10] Henderson on Wines, ch. VIII.
[11] Appendix B.
[12] Biblioth. Hist. v. 26.
[13] Henderson, chap. II. p. 144.

* "In *wine*, that is *perfectly pure*, the *alcohol* exists in such a state of

This passage savours strongly of its professional source. And it is matter for regret and surprise, that any medical gentleman, in good standing, should have sent forth, to the friends of temperance and to the world, a dictum, so full of error and of danger. Here, in the first place, the word "*wine*" is used without any qualification. Let us exclude all adulterated wines, and there will still remain the pure juice *fermented*, and the pure juice *fermented* and *enforced* with brandy or other adscititious alcohol. Thousands of gallons of the latter of these two classes are consumed, for one of the former. The wines of commerce are notoriously brandied. "*Wine*," therefore, will most assuredly be understood by those, who read this dictum of its friends in the council, to comprehend this *wine of commerce*, port, madeira, sherry, &c. containing, as we all know them to contain, a large quantity of distilled alcohol. Now we are instructed by the passage, that such "wine" *is digested;* that it *subserves the great purposes of alimentation and nutrition;* that *it is not a poison.* Are these things so? Not at all; they are utterly and absolutely false; and, if the council of the Massachusetts Society will call in and condemn this extremely pernicious publication, they will

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chemical combination as greatly to *modify* its effects upon the system. In the *wine generally to be met with*, much of it (the alcohol) exists mechanically or uncombined, and ALL THIS PORTION OF SPIRIT ACTS PRECISELY IN THE SAME MANNER, AS IF SEPARATELY USED."—p. 105.

Accum in his treatise, page 92, has the following remarks: "The strength of all wines depends upon the quantity of alcohol or brandy which they contain. Mr. Brande, and Gay-Lusac, have proved, by very decisive experiments, that all wines contain brandy or alcohol ready formed. The following is the process discovered by Mr. Brande, for ascertaining the quantity of spirit, or brandy, contained in different sorts of wine.—Add to eight parts, by measure, of the wine to be examined, one part of a concentrated solution of sub-acetate of lead; a dense insoluble precipitate will ensue; which is a combination of the test liquor with the coloring, extractive, and acid matter of the wine. Shake the mixture for a few minutes, pour the whole upon a filter, and collect the filtered fluid. It contains the brandy or spirit, and water of the wine, together with a portion of the sub-acetate of lead. Add, in small quantities at a time, to this fluid, warm, dry, and *pure* sub-carbonate of potass (*not salt of tartar, or sub-carbonate of potass of commerce,*) which has previously been freed from water by heat, till the last portion added remains undissolved. The brandy or spirit contained in the fluid will become separated; for the sub-carbonate of potass abstracts from it the whole of the water with which it was combined; the brandy or spirit of wine forming a distinct stratum, which floats upon the aqueous solution of the alkaline salt. If the experiment be made in a glass tube, from one-half inch to two inches in diameter, and graduated into 100 equal parts, the *per centage* of spirit in a given quantity of wine, may be read off by mere inspection. In this manner the strength of any wine may be examined.

receive the thanks of every sincere friend of temperance and truth. We deny not, that the resinous matter, and the unctuous matter, and the gummy matter, &c. which have been chemically ascertained to exist in wines, may be digested, and subserve the purposes of alimentation and nutrition. We pretend not that these are poisons. But, when a quart of madeira, which contains, by enforcement and by its inherent strength, nearly as much alcohol as a pint of brandy, is taken into the stomach,—in relation to such "wine" the declaration is manifestly false. The same thing may be affirmed of milk containing arsenic: this "*milk*" is not a poison, and it is digested. If brandy or any distilled alcohol be a poison, and this point is settled I believe, even in the "council,"—I am to be instructed in what manner it becomes deprived of its virulence, by being mingled, by way of enforcement, with fermented grape juice. Charity demands, that we should ascribe this extraordinary promulgation of a false and pernicious doctrine to any other than an evil motive, or a desire for popularity. Remarking upon a custom of morning dram-drinking, introduced into Rome from among the Bythynians, Pliny observes, 'Tiberio Claudio principe ante hos annos XL. institutum, ut jejuni biberent, potusque vini antecederet cibos: externis et hoc artibus, ac medicorum placitis novitate aliqua sese commendantium:'[14] *about forty years ago, in Nero's reign, a custom was introduced of drinking upon an empty stomach; draughts of wine came before meats; this arose from foreign usages, and the declared opinions of certain doctors, desirous of commending themselves by some novelty;* or, in the language of a French translator, *fut introduite par certains medecins, qui vouloient se rendre recommandables par quelque nouveauté.*[15] Now it would be most truly a subject of regret, if this heretical opinion, to which we refer, and which you account "*so good*," should extensively prevail, whatever may have been the intentions of its promulgator. Let the world be satisfied, that "*wine*" *is digested*, that it *subserves the purposes of alimentation and nutrition*, and that it *is not a poison;* and who does not foresee, that every man will apply these dicta to his own *wine*, whether pure, fermented juice, or the same thing enforced with distilled brandy, or still more grossly adulterated wine. If the writer aver, that he is not responsible for this construction, the public will

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[14] Nat. Hist. Lemaire's Ed. Vol. V. p. 364. [15] Quarto Ed. Paris, 1772.

justly respond that he is. I consider this opinion so mischievous and so entirely untrue, that I must respectfully solicit your patient attention to a few remarks. It is a well known fact, that *alcohol cannot be digested by man or beast.* Alcohol is the intoxicating principle in distilled and fermented liquors. The pure juice of the grape, the currant, the apple, the pear, &c., pressed forth, and exposed to a degree of heat, above 60° of Farenheit, will soon ferment. When fermented, alcohol is present. This is evident to every man of common sense, whose eyes are not filled with the dust of an half learned science. The proof is simple, and of two kinds. The juice of the grape and of the currant, for example, thoroughly fermented, no brandy having been added, if thrown, not upon live coals, but into a blazing fire, will increase the blaze. I have repeatedly tried this very simple experiment to satisfy the incredulous, not always in the ranks of unlearned men; but there prevails a great amount of error, in relation to this simple fact. If cider and beer will not commonly produce the same effect, it is because the quantity of alcohol is somewhat less: thus in cider alcohol is present in the proportion of eight per cent;[16] and I am informed by Professor Hitchcock of Amherst college, that good American cider contains ten per cent. In Brande's table, cider is rated at 9.87. That other test of the presence of alcohol in all fermented liquors, to which I have alluded, is the well known effect of such liquors upon the brain and nerves. They produce drunkenness and ruin, disease and death. There is no crime in the decalogue, or out of it, which has not been committed under their influence.[17]

But they can be *digested.* Does this writer mean to say, that the *alcohol* therein can be *digested;* does he intend to assert, that the *alcohol* therein *subserves the purposes of alimentation and nutrition,* or that the *alcohol* therein is not a poison?[18] He will be understood so to mean, not only in relation to the alcohol of fermentation, but of the distilled alcohol, almost universally added to all wines.

I am not unapprized of the fact, that the opinion was formerly advanced, by certain men of science, in respect to pure wine, that it contained *no alcohol,* but only *the elements of*

[16] Report Penn. State Temp. Soc. 1831.

[17] Reports Amer. Temp. Soc. passim. Records of all courts, and the pages of all daily and weekly journals, since the days of Noah and Lot.

[18] Appendix C.

alcohol. Such was the opinion of Rouelle and of Fabbroni. This doctrine stands entirely refuted before the world. The alcohol in pure wines, which was so supposed to be elemental, and thoroughly *combined*, has been shown to be a distinct and independent principle, and can be readily separated. That alcohol, which Rouelle conceived to be the *product* and not the *educt* of distillation, and which, as he thought, could not be *formed*, "until the temperature was raised to the point of distillation," has been separated at a temperature of 66° of Farenheit, and, by the aid of a vacuum, at 56°. Mr. Brande has been enabled to furnish his tables without any elevation of the temperature of the wine, first precipitating the coloring water and some other elements by sub-acetate of lead, and then saturating the clear liquor with sub-carbonate of potass, and thus completely separating the alcohol.[19] Because no very immediate indication of its ill effects be presented, have we a right to conclude that such a poison is *digested*? When, after many years, the gout repays its martyr for the follies of his youth, may we not be led to suspect that this slow poison was not very perfectly digested after all? How unwise, while the powers of the digestive organs are so very various, to advance such an opinion, as of *general* application, even if the principle itself were correct! It is equivalent to stretching the whole family of man upon the bed of Procrustes. Admitting, that the alcohol in wine were digestible, by strong digestive powers, would it be safe to try the experiment upon those, which are weaker? The powers of digestion are exceedingly variable, even in the same person, at different times; yet the rule is laid down, by this wholesale dealer, without any limitation or restriction.

I am now about to examine another passage in your performance,—not at all, my dear sir, on account of its personality, in relation to myself, but simply because it affords me a fair occasion to give you my opinion of fermented liquors.

"We remarked especially the ground taken by one gentleman, who has labored abundantly for temperance. And we were grieved to remark, that, in his warm defence of favorite theories, he quite overlooked the fact, that other men might have opinions, rights, or feelings, entitled to respect. His zeal against wine seemed to have eaten him up, at least his discre-

[19] Dr. Lindsly's Prize Address, p. 149.

tion and charity. One would think that he had a knowledge of some hidden malignity in the article, of which mankind are not aware. And *deacons* too he hates nearly as bad. It is amazing how he persecutes this class of our fellow creatures, introducing them and turning them into ridicule on all occasions; though; for aught that appears to us, they are as harmless as most men. Why not say a word now and then about *church-wardens?*"—p. 93.

I am grieved, that you have expressed yourself thus. So far is it from the truth, that my zeal has eaten up my charity, that I have still enough, my dear sir, for your immediate occasions; and I have no doubt, that you have already regretted the publication of this and several other unhappy and undignified passages in the Christian Examiner. When a Brahmin of Hindostan is desirous of raising an hue and cry against any object of his aversion, he is very apt to persuade the populace, that this man has offered an insult to the Fakeers; and, at the same time, to say a few words in their praise. I think more highly of the order of deacons than you appear to think of them yourself, if you have expressed your sentiments fully in the phrase, "*they are as harmless as most men.*" I have nothing to prefer against them as a body. But, whenever I find occasion for a rum-selling or rum-distilling deacon, whose work is going forward, and whose fires of destruction are burning on the Sabbath day, I shall not hesitate to press such an inconsistent disciple into my service; and, when I have done with him, I presume, he will continue to serve the turn of the parish, in which he is tolerated, quite as well as he did before. You seem to be unnecessarily sensitive, my dear sir, in regard to this respectable order. The first of the Temperance Tales, in which I believe a deacon appears, and not precisely in the post of honor, was carried to the press and caused to be published, by one of my truly respected friends, a deacon of your own denomination, who has taken a very kind and lively interest in the remainder of the series. "*Why not say a word, now and then, about church-wardens?*" This is truly a trifling question, my reverend friend. I have been taught, that we were standing upon a broad ground of universal philanthropy, and that we had cast aside, as we approached the consecrated spot, the discriminating badges of our religious creeds and political opinions. I am an Episcopalian, it is true; but I am not conscious of a desire to shield any one from merited censure, as a

foe to the temperance cause, because his religious professions accord with my own, whether he be a church-warden or a bishop. In truth, sir, I do not know a church-warden, who sells ardent spirits, or who distills it on the Lord's day or any other. If there be such, I know them not; perhaps there are. Once indeed I knew a church-warden, who was sadly intemperate. I have sometimes met the poor fellow, when, upon seeing me, he instantly began to run, in an awkward manner, to prevent me from noticing his inability to walk. Most unfortunately for your theories, however, this man was not in the habit of using ardent spirit; he made free and frequent use of his own manufacture; he was a brewer.

Let us now speak of that "*hidden malignity*," which many reflecting men, philosophers and Christians, believe to exist in wine and other intoxicating liquors, and of which "*hidden malignity*," a large proportion of all mankind seem not to be "*aware*." However remote from your design, the expression, which you have selected, is remarkably felicitous. This *hidden malignity* is not to be sought, among the ordinary and more immediate effects of intoxicating liquor; but in its wonderful power of cheating and alluring its votary to ruin. In the sententious apothegm of holy writ, *wine is a mocker*. Many, who have bowed before this idol, with profound adoration, are so completely bewildered, as to become irritated and offended, at the suggestion, that they are not entitled to rank, among the most ardent friends of the temperance cause. There is another scriptural expression, which harmonizes with your own; the *hidden malignity* of wine consists in this, that its promises to the lip are broken to the heart, and, after the purest and best of all its joys, *at the last it biteth like a serpent and stingeth like an adder*. The *hidden malignity* of wine is faithfully displayed in the following passage, which would need no admirers, had it first been found in the Edinburgh Review, which you have thought proper to cite, in the commencement of your labors:—*Who hath woe? Who hath sorrow? Who hath contentions? Who hath babbling? Who hath wounds without cause? Who hath redness of eyes?—They that tarry long at the wine: they that go to seek mixed wine. Look not thou upon the wine, when it is red, when it giveth its color in the cup, when it moveth itself aright. At the last it biteth like a serpent and stingeth like an adder. Thine eyes shall behold strange women, and thine heart shall*

utter perverse things. Yea, thou shalt be as he that lieth down in the deep sea, or as he that lieth upon the top of a mast. They have stricken me, shalt thou say, and I was not sick. They have beaten me, and I felt it not. When shall I awake? I will seek it yet again. Here is the original history of the *hidden malignity* of wine, the pure juice of the grape: can we doubt, that this *hidden malignity* has been awfully augmented, by the notorious and universal addition of a large amount of distilled alcohol to this beverage, which is an highly intoxicating liquor of itself?

It was attempted, during the convention, to neutralize the objections against alcohol, by allegations of its very general presence. One gentleman affirmed, that alcohol could be found in almost all the alimentary provisions of God's bounty. Another reverend gentleman even asserted, that alcohol existed in beef and mutton. As my remarks in reply may be among the number of things, which you hold "*as apocryphal until farther advised*," permit me to repeat my statement and confirm it. I distinctly denied the truth of such extraordinary averments, as a matter of course, and asserted, that not a drop of alcohol had ever existed upon earth, as the result of any *living process;* that the process of fermentation was a process of decomposition, whatever might be the product. Such I believe to be the true chemical doctrine. If you have any doubt upon this matter, I refer you to Professor Muzzy's opinion, and to the authority of Lavosier, and other chemists.[20]

As God has forbidden drunkenness, can it be a mitigating circumstance, in the sight of him, who is of purer eyes than to behold iniquity, that such drunkenness is produced by one intoxicating beverage or substance rather than another? We presume not. Can we doubt for a moment, that mankind, we speak of the world at large, would employ fermented liquors, if ardent spirits should be entirely abolished as a drink? Surely we cannot doubt, in regard to such a consequence as this. Is mankind, *paribus cæteris*, less likely to be drunk now than in the days of ancient Greece, or Rome, or Judea? Probably not. May we not therefore anticipate a similar result from similar means? Assuredly we may; and the abolition of ardent spirit alone, will inevitably tend to increase the consumption of fermented liquors; the vintner and the brewer will occupy

[20] Appendix D.

those palaces and roll in those chariots, which have hitherto been enjoyed by the distiller and the importer; and all that melancholy train of evils, of which painful examples may be collected, even at the present day, in those countries, where fermented drinks are the customary beverage, may be reasonably expected to afflict our own.

I will now proceed to examine your labors in the order, which you yourself have adopted. You commence as follows:

"For several years we have looked with a good deal of anxiety upon the progress of the 'Temperance Reform;' and we feel it our duty to inquire into its condition and prospects, and to report the circumstances which seem to favor or hinder it. The best interests of mankind are embarked in this enterprise;—are they safe, or otherwise? Are they wisely and prudently cared for, or are they endangered by rash and headlong management? A stout ship was fitted out,—but ill victualled and manned, as it seemed to most, for such an enterprise,—and waiting for a favoring breeze. We entered and had some small command; and at length, obtaining more supplies and men and getting out into deep water, we made rapid way, which gave promise of successful issue. Accordingly, before the voyage was nearly completed,—no port being in sight or soundings possible,—there was a prodigious shouting and clapping of hands, as if the danger were over and the end as good as accomplished. We rejoiced with the joy of the men,—deeming it of good omen; nevertheless we had our misgivings about all this shouting and clapping of hands, as somewhat premature. We remembered the wise saying,—'Let not him that girdeth on his harness boast himself as he that putteth it off.' We knew that the easiest part only of the work was done,—that difficulties and perils were yet to be encountered in unknown seas. Our fears have been verified."—p. 73.

It was most providential, that, at the outset of this great enterprise, there prevailed that blindness to the future, which you here describe. If then, as now, mankind had perceived the necessity for an integral pledge, and commenced upon that principle, it may well be doubted, if the temperance cause would have progressed at all. That exultation, to which you refer, was the natural effect of that success, which crowned the early efforts of its friends. Your "misgivings" were perfectly natural. It was soon perceived, that, as the end proposed was not merely the abolition of one kind of liquor, but of the evils of intemperance, the means must be coextensive with the end

proposed. Suffer me to carry forward your nautical allegory: This shouting and clapping of hands arose from the great joy of the sailors, at having gotten clear of Scylla; but it was of short duration, for, soon after, some shrewd fellows, on the look out to leward, shouted at the top of their lungs, "we are drifting rapidly upon Charybdis." Orders were immediately given to haul aft and belay, set studding-sails and sky-scrapers, and keep her as near the wind as she would go, to clear the rocks. The good ship did her duty, but, laying down under such a press of canvass, she shipped a sea now and then, and those, who had no relish for the cold water, that came aboard, went below to cheer up their spirits with a little wine, ale, and cider. Presently they complained of sea-sickness, and that their comrades were going too fast and too far. But they knew better, and kept on their way rejoicing, offering the disaffected the long boat and their prayers, together with all the liquor in the ship.

Let us turn from mere analogies to matters of fact and reasoning. How shall I reply to such a remark as this—"*we grieve to say, that the progress of the reform is obstructed, if not altogether brought to a stand?*" And how far from your precinct do you travel to gather this opinion? Moscow is not Russia, nor the sphere of your labors the whole area of the temperance reform. You are strangely mistaken, my reverend friend; and, as you say that I have "*labored abundantly*" in this cause, give me credit for some little knowledge of its progress. The cause has, at no period, advanced more triumphantly than it is advancing at the present moment. The cry, which for a time prevailed, that the cause was at a stand, arose at the period, when it was first perceived and felt that a comprehensive pledge was essential to its ultimate success, and while a doubt remained, whether such a pledge would be agreeable to its friends. Rely upon it, my dear sir, you are entirely mistaken in your opinion. Societies upon the entire principle, are acquiring daily strength in every part of our country. In England this principle is adopted, by most new societies. Nor is this a very novel affair. In March, 1835, I addressed a society in Lowell, adopting the entire pledge, and numbering more than three thousand members on its roll. If you will take the trouble to study this matter carefully, among the records of several state and county conventions, whose proceedings have been *faithfully* reported, you will find no ground for those pre-

dictions and forebodings, which reach us invariably from a certain quarter;

"*Sæpe sinistra cava prædixit ab illice cornix.*"

You observe, "*we may as well confess in the outset, that we are not generally in favor of combinations to effect good objects by public agitation:*" again, "*it seemed to us, that a firm, temperate and good man, in his individual thought and free activity, had in him a moral force, which must be lost or greatly impaired, when he consents to merge himself in an association, whose movements he cannot control.*" These and similar expressions are very familiar to our ears. How often have we heard the changes rung out, by a certain description of men, upon this favorite peal of bells, in opposition to the pledge—moral power,—a trap for the conscience,—loss of one's individuality! I indulge a hope, my dear sir, that you do not go so far, as one of your brethren in the ministry has gone, who congratulates his people, that, for twenty years, they have kept aloof, as a church, from the "gustiness of the times," meaning thereby, Temperance societies, Education societies, Benevolent and Missionary societies, and the Bible Society.[21]

I pass over your discursive and preliminary matter, and an extract from the Edinburgh Review. It is precisely one of those passages, whose affectation of sententious brevity might have delighted the Scotch weaver, of whom we have an account from Peter to his kinsfolk, and who read the Review every morning, on the stoop before his door, and always rose from the perusal, with a vague and consequential impression that he wrote it. I have little interest in this prelusory portion of your labors, and desire to come at your arguments.

When you say "*a combined effort to banish the drinking of ardent spirits from the community seemed to be the more necessary, because it was a social vice,*" I am surprised that you should not perceive the special application of this argument to fermented liquors. If the drunkenness, produced in Greece, Rome, and Judea, by the pure juice, was not a *social* vice, I know not to what vice that epithet applies: the very words which signified Grecian and Roman entertainments, *compotatio*—*συμπόσιον*—clearly indicate the fact.[22]

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[21] Appendix E. [22] Appendix F.

Some of the reasons, which seem to have induced you to sign the pledge of total abstinence from ardent spirit, deserve a careful examination.

"We wish to have it distinctly understood, that we entered into this combination against ardent spirits, not because they were the only mischievous articles in use, and not merely because we saw in the use of them a vehement tendency to abuse. We held that liability to abuse is no just ground for total abstinence from any thing really good. These articles we did not believe to be really good as drink, but the reverse. It appeared in evidence not to be refuted, that distilled liquors, used in any quantity, are always an injurious beverage to persons in health,—that all men are better without than with them. It moreover appeared in evidence, that there was such extreme danger, not merely of hurt, but of utter ruin, in using them even moderately, that out of any ten young men, who adopted this habit, there was a moral certainty that several would be destroyed by it. We say then distinctly, that it was this *specific* evil, which we deem more deadly than war, pestilence, and famine combined,—it was against this *specific* evil, and not against any other and doubtful, or less fatal practice, that we pledged ourselves to work in the temperance combination." —p. 78.

The "*specific evil*" in ardent spirit is *alcohol.* This very identical *alcohol* is present in every glass of sound fermented wine; in Madeira, according to Brande, there are 24. 42 per cent. per measure. Then the wines of commerce are enforced with distilled alcohol, according to the pleasure of the vintner, and the fancy of the consumer. We hear occasionally, that the alcohol in *pure* wine is "disarmed of its virulence by the prophylactic energies of combination;" a phrase full of sound, and meaning nothing, as poor Noah discovered, when he drank of the *pure* wine and was *drunken.* But even, if this were true in relation to *pure* wine, how is it in regard to the wine of commerce and of our tables, and nine tenths of all the wine, which passes the sea? The "energies of combination" cannot be very powerful, since, according to Fabbroni, the *free* alcohol may be immediately separated, by saturating the vinous fluid with subcarbonate of potass; and, as I have already stated, the *genuine poisonous alcohol—the "specific evil,"* may be readily separated, in the manner adopted by Gay Lusac, in defiance of all these "*prophylactic energies of combination.*" But for this, we should not possess the invalu-

able tables of Mr. Brande. You say, "*it appeared in evidence, not to be refuted, that distilled liquors, used in any quantity, are always an injurious beverage to persons in health.*" You will not suppose me to be less opposed to distilled liquors than you are yourself, when I state, that such is not the general tenor of the evidence. It is most natural, that you should be desirous of making the distinction as broad and deep as possible, between distilled and fermented liquors. You have rather a loose way of stating certain matters, of which the present is an illustration. *Cuique in sua arte credendum est:* upon such an occasion, we resort, of course, to the medical profession, and what do they commonly testify? Not that "*distilled liquors used in any quantity are always an injurious beverage for men in health;*" but that they are never needful for men in health; that the use of them is the frequent cause of disease and death; and that the entire disuse of them, as a drink, would greatly promote the health, morals, and comfort of mankind. I have just now examined more than thirteen medical certificates, foreign and domestic, prepared in reference to the temperance cause, and, among the number, the testimony of seventy-five physicians of Boston, and the evidence goes no farther than I have stated. Now I ask you, may not the same things be said of fermented liquors? Are they necessary for men in health? are they not the frequent cause of disease and death? would not the entire disuse of them as a drink, greatly promote the health, morals, and comfort of mankind? Had the general medical testimony proved, as you have erroneously stated, that "*distilled liquors, used in any quantity are always an injurious beverage for men in health,*" the dictum would have been assailed, and the cases of thousands would have been produced, who have used distilled liquors, with the most philosophical regularity and moderation, and have died at the age of eighty, ninety, or, like Dr. Holyoke, even at an hundred years. Among the best friends of temperance, there is a very large proportion of pledged men, who suppose that distilled spirit may be safely taken in great moderation, as an exhilirating beverage, and that such use would be perfectly harmless in particular cases; but they believe such liquors to be *unnecessary* for men in health, and that they are frequently the causes of disease and death, and that their entire disuse would promote the health, morals, and comfort of mankind. In other words, there are many thousand

philanthropic men, who have joined the temperance society, for reasons diametrically opposite to those which you profess to entertain, and thus we are brought to the consideration of your position, "*that liability to abuse is no just ground for total abstinence from any thing really good.*" I have said, that thousands have joined the temperance society, because they believed the truth to lie in the very reverse of this position. I know many highly respectable and venerable men, who have told me, that, after a daily employment of brandy, or gin, or rum and water, in great moderation, for many years, they thought the practice had never been injurious to themselves, and that they had no fear it ever would be; but believed it to be their duty to sacrifice the habit, however agreeable and however harmless, as they thought, in their own particular cases, for the good of mankind. This seems to savor more strongly of the the gospel and of brotherly love, than the sentiment contained in your position.[23]

The prophet of Mecca, though an impostor, was a sagacious man, and wisdom may be gathered from the Koran: The words, already quoted, deserve to be repeated here;—"*they will ask thee concerning wine and lots; answer in both, there is great sin, and also some things of use unto men; but their sinfulness is greater than their use.*"[24] Total abstinence from wine was therefore enjoined, on account of its liability to abuse, though containing "*some things of use unto man;*" and, whatever opinion you may entertain upon this subject, a great liability to frequent, and flagrant, and general abuse, "*is just ground for total abstinence*" from any thing, which is *good*, in the sense in which wine is *good*. No man, in his senses, would think proper to abstain from reading his Bible, because it was frequently misinterpreted, and its real drift and design distorted, even in relation to the use of wines, to suit the views of those, who have the courage to ransack God's armory for weapons to be employed on the side of Baal. Yet the Bible, as you and I well know, is liable to this species of abuse. Many of the bounties of God's providence are liable to be abused. The glutton, who eats until he can eat no longer, undoubtedly abuses that which is good. Will this liability to abuse be just ground for total abstinence from those good things, which God has given for the food of man? Such a question

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[23] I Cor. 8. 13. [24] Sale's Koran, I. 219.

is not entitled to a grave reply. It is very common, for such matters, gluttonously eaten, to render their consumers stupid and comatose; but you have probably never known a case, in which a man, driven to madness by such a course, either committed suicide, or murdered his wife and children.

You "*object to destroying the simplicity of the obligation, under which we have hitherto acted together with harmony and success.*" To this I reply,—a comprehensive pledge is the only *simple* and intelligible pledge; and our success would not be commensurate with our labors, if it reached no farther than to the abolition of distilled spirits, and not to the removal of intemperance, which must surely remain, while the means remain. In corroboration of your opinion, you quote from the address of Elisha Bartlett, M. D., of Lowell: that gentleman is pleased to say,

"The evils resulting from the use of distilled drinks differ both in kind and degree from those occasioned by any other inebriating or stimulating substance in nature. They stand in their enormity alone and unapproachable. This manifest and indisputable difference between the effects of alcohol on the one hand, and the exhilarating substances which have been enumerated, on the other, points out at once the necessary difference in the proper methods of removing their respective and appropriate ills. In the one case I allude to wine, beer, cider, opium, tobacco, tea, coffee, and other similar articles."—p. 80.

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"If, by identifying our opposition to the use of distilled liquors with opposition to *all* violations of the laws of Temperance, the former can be made more speedily and entirely successful, then I have nothing to say. But, if the distinction which I insist upon is correct, this merging of opposition to alcohol in general opposition to all stimulating and inebriating substances is impracticable, and cannot be made without endangering or retarding the success of *the* Temperance Cause. It seems to me that among the friends of this great moral, social, civil, and national interest, there should be unity of design, singleness of purpose, harmony of operation.

"Until, then, the use of *wine*, or beer, or tobacco, or tea, leads to the results produced by alcohol, they cannot properly be opposed on precisely the same grounds, nor with precisely the same weapons. And that these articles *do not produce* the same evils, seems to me abundantly evident."—p. 81.

Upon these labors you are pleased to bestow the epithets

excellent and discriminating. It is not easy to find any justification for such applause. The distinction has been most clearly and sufficiently drawn, between stimulating and exhilarating materials, on the one hand, and intoxicating materials on the other. *Mania a potu, suicide, the murder of wives and children,* and all that horrible train of evils, which have been shown to proceed from *all sorts* of intoxicating materials, in every corner of the world, have never been produced by the employment of tea or coffee, however injurious the extravagant use of tea and coffee may have been to the nervous system. It is not intended to identify "our opposition to the use of distilled liquors with opposition to the use of *all* violations of the laws of temperance." Temperance, as a word, is abundantly comprehensive. Paul reasoned of *temperance,* and Felix trembled; but the temperance, of which the apostle reasoned, we are told, by learned commentators, was a very different affair. The temperance society has no relation to that intemperate use of wealth, which has often given occasion for the enactment of sumptuary laws. It has no relation to intemperate eating. The temperance society is organized for *the suppression of drunkenness.* Nothing can be more true, than that, "*among the friends of this great moral, social, civil, and national interest, there should be unity of design, singleness of purpose, and harmony of operation.*" But wherein consist unity of design and singleness of purpose? Surely, as we apprehend, in the concentration of our powers, as an association, for the removal of drunkenness, and not for the removal of one only, of several notorious causes of drunkenness. If we were contending against an army, composed of infantry, artillery, and cavalry, we should scarcely be justified, in asserting, that *singleness of purpose and unity of action* consisted in confining our belligerent efforts to the extermination of one only of these three. And what is *harmony?* Does it consist in a surrender of opinion, by such an overwhelming majority, as existed in our late convention, to a minority so exceedingly small? On the contrary, for the sake of *harmony,* it would seem to be a more graceful course for such a minority to be silent, rather than resort to such measures, as you, my dear sir, have thought proper to adopt.

In the opinion of this writer, whose sentiments have received your full endorsement, it is proper for us to *wait,* until *wine, beer,* &c., "lead to the same results, produced by *alcohol,*"

before we include them in our pledge. This distinction between *wine*, *beer*, and *cider*, on the one hand, and *alcohol* on the other, in the present state of chemical knowledge, and especially, when it is so well understood that a great amount of distilled alcohol is added to all ordinary wine, is obviously without any foundation whatever. Enough already has been said upon this point. But, suppose, by reason of that employment of distilled spirit, which still continues, beer, wine, and cider, being less in demand, did *not* lead to the "*same evils*," at present, as distilled spirits are known to produce; yet, as I have already endeavored to prove, the introduction and general use of such inebriants would be an inevitable consequence of an entire abandonment of ardent spirits alone. Now, if I have shown already, in part, and shall be able to show more fully presently, that the use of wine, beer, and cider, *will* lead to the "*same evils*," that arise from the use of distilled spirits, what is the part of wisdom? To wait for such a probable occurrence before we provide against it? Shall we suffer this Proteus to assume another, and another, hideous shape? Shall we take the trouble of instituting just as many reformations, as there are intoxicating drinks? Or shall we make our lines at once coextensive with those of our adversary? In case of sudden and violent contusion, a prudent physician will employ his lancet immediately: would it be wise to wait for fever and mortification to supervene before he gives relief? But I propose to show, not only that fermented drinks *will* produce the "*same evils*," that have arisen from the use of distilled liquors, if the latter should become abolished; but that they have ever produced the "*same evils*," even during that long period, in which distilled liquors have borne a tremendous part in the great work of destruction, and that they produce the "*same evils*" now.

What then is intended by the "*same evils?*" I do not pretend, that the physicial effects of brandy, gin, rum, wine, beer, and cider, upon the constitution are not different. Their physical effects are various, also, in various temperaments, and in the same temperament, according to the existing condition of the digestive organs. The malic acid, in cider, will no doubt produce a different effect from the tartaric acid in wine; and neither of these will probably act upon the system, with or without the logwood, alum, lead, whiskey, &c., so often abounding in the latter, precisely in the same manner, as malt liquor is known to act. Of this last mentioned beverage, that which

contains cherry laurel, henbane, slacked lime, and tobacco, will not be very likely to produce exactly the same effect as that, which contains deadly nightshade, green copperas, cocculus indicus, and opium. If you suppose I mean to trifle with a serious subject, suspend that opinion, I entreat you, till I have done.

The moral, civil, domestic, and national evils of all intoxicating liquors, have been the same in every age; and, if distilled spirits have taken the lead, for many years, in the production of poverty and crime, disease and death, the causes are perfectly intelligible:—they produce a speedier drunkenness, a readier egress from the world and its present anxieties, a more immediate oblivion; they are cheaper; they are presented in every variety of form, and at every corner. This is quite enough to account for the prime agency of distilled liquor in the production of broken hopes, broken hearts, and broken constitutions.

It is twelve years since Mr. Henderson published, in London, his very valuable work on wines. He had, of course, no reference to the temperance reform. It was his object to give a faithful account of ancient and modern wines. In his fourteenth chapter, he treats of the dietetic and medical properties of wine. For some account of the wine drunkenness of Rome, Greece, and Judea, I will refer you to the appendix;[25] but, as the work of Henderson is rare, and the authority in high repute, I will introduce here a few of his remarks. "Although, when drunk without restraint, wine can only be considered 'a delightful poison,' as the Persians, who know it chiefly by its abuse, have appropriately termed it, yet, like other poisons, when *administered* with judgment and discretion, it is capable of producing the most beneficial effects. Even in this light it is to be viewed rather as a medicine, than as a beverage, adapted to common use; for a person in sound health can require no such excitement of his frame; and, by frequently inducing this state of preternatural strength, he must, sooner or later, exhaust the vital powers."[26] Again: "When introduced into the stomach, vinous liquors may be considered as acting in two ways, either by their chemical affinities, as they become mixed with the food, or by their stimulant operation on the nervous and muscular systems. Now there is every reason to believe, that, in the former point of view, they will not assist the diges-

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[25] Appendix, A, B, and F. [26] p. 349.

tion of proper nutriment, in a healthy subject, but will have a directly contrary effect, especially if they contain much spirit or acid. If they undergo decomposition, a portion of the sacharine and mucilaginous matter may perhaps enter into the formation of chyme, and *a small quantity* of the alcohol may be taken up by the absorbents; but this principle constitutes no part of the blood, and cannot therefore remain in the system. The neutral salts will, of course, exert their specific actions on the alimentary canal, or they may enter into partial combination with the food. In weak stomachs, however, where the muscular action is slow, even the purest wine is apt to generate a deleterious acidity, and the stimulant powers of the alcohol, which, in persons of sounder habit, are sufficient to overcome its antiseptic quality, are completely lost."[27] I pray you to compare this passage with that, in the address of the Council, which you say is "*so good*," and which is, in the common phrase, *too good* to be true. I will set before you one other passage from Henderson. "The unalloyed joys are confined to a few, and, though lively, are fleeting and unsubstantial in their nature, while the sorrows are real and permanent, and generally become the portion of its most ardent votaries. They revel for a time in feverish gayety; but the period at length arrives, when the dream of happiness dissolves, and they awake to melancholy and despair. Doomed, for the remainder of their days, to endure the anguish of remorse and irremediable disease, they discover, when it is too late, that they have drained the cup of false pleasure to its bitterest dregs. If they should happily escape the more fomidable bodily ills, which follow in the train of intemperance, they *never* fail to experience its baneful influence on the mind. Perception is blunted; imagination decays; the memory and judgment are enfeebled; the temper becomes irritable and gloomy; *and a degree of moral callousness is superinduced which steels the heart against all the tender feelings and refined sympathies of our nature.* Moreover, as every fresh debauch occasions a temporary aberration of intellect, it often happens, especially when a disposition to insanity pre-exists, that reason is shaken from her seat for ever. But, dreadful as this calamity appears in all its forms, it is perhaps an enviable fate, compared to the lot of those victims of imprudence, who retain the full consciousness of their

[27] p. 349.

own errors. To them premature death is the least of the evils, which they inflict upon themselves. Such are the deplorable effects of the abuse of wine, from which all the exhortations of the moralist and all the care of the legislator have been insufficient to preserve mankind. Even philosophers themselves have not been able to resist its allurements; but forgetting, in their social hours, the salutary rule, that, to forbear is to enjoy, have too often obscured their genius, and stained their reputation by habitual inebriety. Whole nations have been addicted to this destructive vice."[28] Such are the opinions of this able, scientific, and philosophical writer; and it may not be amiss to place your own words in close juxtaposition: "*we beg to be understood, that we are not advocates for the habit of drinking wine, but for the liberty of doing so.*" Substitute the word *rum* or *brandy*, my reverend friend, for *wine*, and every toper in the country will say the same thing. But *you* are sincere. I have no doubt of it. Still the difficulty lies in a nutshell,—WINE IS A MOCKER, and, in the spirit of Mr. Henderson's remarks, no human power, moral or legislative, has ever been able to restrain its use, within the limits of moderation, when it is employed at all. Some will escape, but the majority will suffer. It is *a mocker*, and, upon no occasion, do we believe the apostolic injunction to be more applicable, not less to the reverend and the grave, than to the mere man of the world,—*take heed while ye stand, lest ye fall.* You will bear in mind, that in all these quotations, Mr. Henderson is writing only of *wine*.

To show you the extreme absurdity of that theory, which contemplates *wine* as one thing, and *alcohol* as another, I offer an additional extract from Henderson. "It is almost superfluous to remark, that, as the stimulant power of *wine* generally corresponds to the quantity of *alcohol* which enters into its composition, so this power must be greatly increased in those *wines*, which contain a large proportion of *adventitious* and *imperfectly combined spirit.* The ancients, as we have seen, seldom ventured to indulge in *pure* (unmixed) wine, and even condemned (theoretically)[29] the free use of it, when tempered with only an equal measure of water. What then would they have said, had they witnessed the taste of modern times, and of this nation in particular, which, not content with the most

[28] p. 345.

[29] Appendix, A, B, and F.

potent vintages, that can be extracted from the grape, seeks to give them a fictitious strength, by the further addition of *alcohol?* That *wines*, thus compounded, are rendered *doubly* injurious to the constitution, is very certain, for the habitual use of them must be manifestly equivalent to the habitual use of *ardent spirits*, or rather to the use of *spirit* and *wine* together. Many would doubtless be appalled at the thought of draining a whole quart of *pure brandy*, who feel no reluctance to swallow an equal quantity of *spirit* disguised with *wine*." [30] The same opinions may be found on the pages of another distinguished writer.[31]

You may not be less inclined to listen to the opinions of a very celebrated French physician, who formed his estimates of the effects of wine in his own country; and, for this purpose, as the extract is of some length, I will refer you to the Appendix.[32] For an account of the effects of malt liquors, and their adulterations, I beg leave to refer you generally to the Anatomy of Drunkenness, by Dr. McNish. I offer only a brief extract here. "They act," says he, "in two ways upon the body,—partly by the alcohol, and partly by the narcotic principle. Persons, addicted to malt liquors, increase enormously in bulk; they become loaded with fat; the chin gets double or triple; and the whole face bloated and stupid. Their circulation is clogged. The pulse feels like a cord, and is full and laboring, but not quick. During sleep, the breathing is stertorous. Every thing indicates an excess of blood, and when a pound or two is taken away, immense relief is obtained. In seven cases out of ten, malt liquor drunkards die of apoplexy or palsy. If they escape this, swelled liver or dropsy carries them off. The effects of malt liquors on the body, if not so immediately rapid as those of ardent spirits, are more stupefying, more lasting, and less easily removed. Both wine and malt liquors have a greater tendency to swell the body than ardent spirits. They form blood with greater rapidity. The most dreadful effects *upon the whole*, are brought on by ardent spirits, but drunkenness from malt liquors is most speedily fatal. The former break down the body by degrees; the latter operate by some instantaneous apoplexy or rapid inflammation." For a statement of the immense amount of adulterations in these liquors, you can turn

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[30] p. 351. [31] Dr. Macculloch's Remarks on the Art of making Wine, p. 143.
[32] Appendix, G.

to Accum's Treatise, and to Mr. Mowbray's testimony.[33] Ale is the special curse of England. A writer in the Preston Advocate, No. 8, writes thus: "*I give it as my deliberate opinion, that, taking the whole country, two thirds at least of the drunkenness proceeds from fermented and not from distilled liquors.*"

The celebrated chemist, Paracelsus, drank no ordinary beverage but water, till he attained the age of twenty-five. He then became a wine drinker, and seems to have been afflicted with a species of *mania a potu*.[34]

The preceding remark, in regard to the free use of ale in England, readily explains the frequently repeated declaration of Mr. Buckingham, and other friends of the temperance cause in that country, that the American theory of total abstinence from ardent spirit alone would be entirely inadequate there. Contemplate the catalogue of criminal offences in that country; consider the vast amount of them all, occasioned by drunkenness; assume the estimate of the Preston Advocate to be true, that two thirds of all that drunkenness are produced by fermented liquors, throughout the kingdom; and tell me, my reverend friend, if it be needful to press this argument any farther? Nothing is required here for the production of a similar condition of things, but a similar demand for that "*beastly beverage*," as Dr. Franklin calls it. The gradual abandonment of distilled liquors will bring along, *pari passu*, an increasing demand for other inebriants, with all their adulterations and all their horrible effects. Our cities are already competing with certain inland towns, in the *champagne trade*, and New York is not likely to engross entirely to herself the lucrative commerce, in the multifarious decoctions of logwood, &c. However *pure* a portion of the national stock may be, it must all be an *alcoholic*, *intoxicating* drink, and a vast amount must inevitably be adulterated, and poisonous, not simply because it is alcoholic, but because, in the absence of distilled liquor, the resolute demand of the poorer classes, for a cheap instrument of drunkenness, will assuredly be enforced; and thus the cupidity of the unprincipled vintner will lead him to satisfy this demand, by supplying a vile compound, which will, no doubt, possess the desirable property of stealing away the consumer's brains. I am not able therefore to perceive, that the *simplicity* of the temperance pledge is impaired, by a

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[33] Appendix, H. [34] Appendix, I.

comprehension therein of all intoxicating liquors, if our object be the removal of intemperance.

You say of fermented liquors, "*their production, through a process of God's own working, fermentation, does really seem to give us a hint, that he designed them, under certain circumstances, for the refreshment of his creatures. But we do not attach much importance to this consideration.*" I hope you do not, my dear sir. Alcohol is the product of decay and decomposition; it arises out of the wreck of organized matter. Fermentation is the process. Now this is not more a process of God's own working than any other chemical process of nature. I should deem it quite as logical to assert, that a providential hint seemed to be given us, that the effluvium of carrion was designed, under certain circumstances, for our refreshment, because the process of corruption was a process of God's own working. There is certainly in man a *natural* aversion to both, and the latter would not probably be more dangerous, in its effects upon the great mass of mankind. When I contemplate this grand engine of human misery, in its beginning and end, in its cause and effect;—when I behold it rising out of destruction, and bringing destruction upon the bodies and souls of millions, it seems rather to contain the very principle of death, than to be designed for the refreshment of man.

It was not without surprise, that I perused the following passage in your performance. "*All we ask is the liberty of doing as we think, touching this subject matter, and leaving all others the freedom to abstain from as many articles as they please, without demur on our part. And we think this position ought to satisfy all, who are interested in the question one way or the other.*" Surely nothing can be more reasonable. And if this be the limit of your desires, it is very difficult to find a substantial reason for the entire devotion of thirty pages of the Christian Examiner to express this welcome opinion. Have you not entirely misapprehended the spirit of the convention and of the resolutions, which found such almost universal favor in that body? The resolution, which appears to have been the most obnoxious to yourself, amounted to no more than a *recommendation* to the friends of temperance to abstain from all intoxicating drinks. In its original shape, as offered by the mover, it was not a *recommendation*, but a declaration that "*it is the duty*," &c. The mover was, himself, adverse to the resolution, which he had a strong confidence the convention

would reject. He was one of the minority of four, who voted against it. Now, for the sake of leaving to all men that "liberty" which you claim, the resolution was so varied, as to go forth as a *recommendation*, and not as an injunction of absolute *duty*. It is not easy to imagine, in what manner, by this or any other act of the convention, your "*liberty*" is likely to be abridged, or the liberty of any man.

We now come to your second objection to the extension of the pledge.

"We object again to the extension of the pledge to fermented liquors, because it assumes a false principle. On this subject we will take the broadest ground of opposition to those advocates of temperance with whom we are at issue. We believe that every human appetite, faculty, and sense was made by our Creator to be an instrument of enjoyment. And it is his will that each of these should yield us the utmost pleasure which it is capable of affording. This is found in abstinence from things hurtful, and strict temperance in all things."—p. 85.

The arguments, which I have produced, to show that fermented liquors are not needful to men in health, and positively *hurtful* to very many, can be multiplied to a very great extent. This being clearly proved, to my apprehension it is our duty to abstain therefore for the very reason you adduce, namely, that we may enjoy the bounties of Heaven as we ought, which enjoyment is incompatible with any use of things *hurtful;* and, in this argument, I assume, that it is the duty of every man, to act with reference, not singly to his own "*individuality,*" his own particular case, and personal comfort, but to the common weal. And herewith I connect another argument in favor of extending the pledge to the limit of all intoxicating materials as articles of luxury. "*A drunkard,*" says Dr. McNish, "*is rarely able to recall the particular circumstances that made him so. The vice creeps upon him insensibly, and he is involved in its fetters before he is aware.*" Of all that intemperance, which is converted into habitual drunkenness on distilled spirits, a large portion is originally produced upon fermented liquors. I ask the members of the council of the Massachusetts Temperance Society, if they have no knowledge of any such examples? I ask those gentlemen to review their collegiate career, and to say, if they know no living examples of individuals, who are now filling respectable stations, who were once *active members* of college

"PIG-CLUBS," *eo nomine*, and who have great reason to bless God, that they are not confirmed drunkards? Do they remember none of their academic associates, who commenced their career on that vile wine, sold in the purlieus of the university, who have been less fortunate, and who are either living drunkards, or tenants of the drunkard's grave? These questions will not receive an answer in the negative.

If wine, ale, and cider were perfectly harmless in themselves, they are, nevertheless, exceedingly pernicious, in their relation to the more fiery beverage, and its use. There are many, for whom a security against intemperance would have been effectually provided, in their strong natural dislike of distilled liquors; but who have become either accustomed to their employment, after having vitiated their appetites, by the use of fermented liquors; or who resort to ardent spirits, as a restorative, in a debilitated state of the stomach, when fermented liquors have lost their tonic and stimulating power. I have carefully observed the progress of certain young men, in this particular respect; and I have, among my memoranda, the record of several deplorable illustrations of these truths. I have seen young men, who had a profound contempt for their co-ordinates, who got drunk with rum,—I have seen these young men, palpably *tipsy* upon champagne, night after night, in fashionable saloons. Lest this also should seem *apocryphal* to yourself and other gentlemen of the same persuasion, let me give you an authority to show that such things are not improbable. "*Drunkenness from wines closely resembles that from ardent spirits. It is equally airy and volatile, more especially, if the light wines, such as champagne, claret, chambertin, or volnay be drunk. On the former, a person may get tipsy several times of a night.*"[33] Several of these young gentlemen were my own class-mates at school and at the university. They commenced their career with the fairest prospects. But they became drunkards at last; descending, as they grew poorer, and poorer, to cheaper and still cheaper inebriants, to wine of the poorest kind, to brandy, to gin, to rum. Of these unhappy victims some still live; I occasionally meet them, the walking corpses of what they were: others lie, in their brown hair, in the drunkard's grave. One has broken a father's heart; another, having stripped a widowed mother of her humble

[33] McNish's Anat., p. 45.

possessions, has left her to win her bread in her old age, single-handed and alone. Some of these miserable victims have taken their first lessons in intemperance, at the sumptuous tables of their fathers, upon wines sufficiently far-fetched and dearly bought.

I now present another fragment of your labors.

"There is a manifestation of bad taste and bad temper, which is working offence, opposition, discord, and all manner of evils. Many are disgusted by the slang which some of the advocates of temperance deem it fit to utter in its behalf; many more are driven from us by what they call a persecuting spirit, though it is in fact the effect of indiscreet zeal. It has been our misfortune to hear some lectures on this subject, which were so utterly abominable that no Christian people ought to listen to them. With some sprinklings of bitter invective to season it withal, the main body of the discourse consisted of a tissue of coarse and brutal gibes, as if, forsooth, the utter ruin of a fellow creature,—body, estate, and soul,—were an exceedingly good joke! There has been somewhat too much of this. We remember with what pain and disquiet we once witnessed the desecration of a church by an address which was nothing else than a shameful and long-spun parody of a Scripture story, in which 'one David Coldwaterman,' figured in a vigorous campaign, ending in complete victory over an ominous raw head and bloody bones of a giant, who bore the cacophonous appellation of 'Rum-bacchus.' Such matter, which is nothing else than a new revelation of vulgarity and slang, is enough to throw discredit on any cause."—p. 91.

I have heard the address, to which you refer, alluded to before. I am told it was delivered by a very young man. You must remember, my dear sir, that you were once a young man yourself, and that your style was not always perhaps so highly polished as it is at present. Even now, my Christian brother, there may be some slight question, if the following passages from your own performance are perfect specimens of taste and refinement.

"'What are you about there? These are not the creatures that did the mischief among the poultry! The rabbits and squirrels did it; hunt them down, and let alone the foxes.' So the chase after rabbits and squirrels grew hot and eager, but with indifferent success, the apparatus not being fit for that sort of game. Meanwhile the foxes, having a free run, began to take courage and increase and multiply according to their wont. The

hunters, being discouraged, for the most part gave over and turned back; the foremost still press on to see what will come of it. We submit to them, however, when we can obtain a hearing, whether they had not better kill off the foxes first, as originally proposed by the society, that we may know distinctly what kind of creatures have been carrying off our chickens."—p. 99.

"We deny that men will become temperate any more because Mr. Such-a-one knocks his cask of Madeira in the head. Jonathan does not drink gin because Jotham drinks champagne or Madeira, but because he, the said Jonathan, loves gin."—p. 96.

The words of Horace were full of a profitable meaning, my dear sir.

——————————mutato nomine, de te
Fabula narratur.———

You say "*the spirit of denunciation alienates many from the cause.*" To this I readily assent. The drunkard is frequently an object of pity; infinitely more so than the cold, calculating rumseller, who spreads his snare at the corners of our streets, tempting the poor weary laborer with the drunkard's draught, and winning away his little children's bread. Drunkenness has also been accounted by medical men, in some instances, an hereditary vice.[34] I have conversed very freely and frequently, in a spirit of kindness, with drunkards, during their intervals of sobriety, and when their evil genius had, for a time, surrendered all its influence; and I have discovered, in many, every indication of deep repentance, and a strong desire to subdue this horrible propensity. I doubt not, that it is our duty to approach such men, through the avenues of the heart not less than of the understanding.

In relation to the old societies, I believe it to be proper, in no way to interfere with their rights and privileges. New societies should generally be formed independently. The plan of engrafting the new upon the old has often proved as abortive as an attempt to engraft the peach upon the cedar. The old societies have done much good; and, if their members are unwilling to join the new societies, they are assuredly entitled to our affectionate respect. The reformation may be compared to a flight of stairs. The members of these old societies have placed their feet firmly and gracefully upon the

[34] Appendix, J.

lower step, while the members of the new societies have gotten to the upper landing. Your apprehensions of "*a civil war*" between the old and new societies, my worthy friend, are gratuitous altogether. I have seen nothing so much like a speck of war, since the happy termination of our difficulties with France, as your own discharge of small arms in the Christian Examiner. But, as the cartridges have all exploded harmlessly, and the smoke is rapidly passing away, I have no fears of a war.

You next undertake to examine the argument of *expediency;* and here, it appears to me, your success is least of all commensurate with your zealous exertions. In this portion of your labors you seem to be not a little excited, and indeed somewhat angry. "*Giving up all pretence to principle in this matter, and acting from a coarse expediency, they have not yet given up their intolerance.*" This surely is extraordinary language; but it is so inoffensive, in comparison with some other specimens, to which I shall presently refer, that I pass it by. You commence, by quoting a passage from the address of *the Council.* We should indeed be "*in danger of the Council,*" if this document should be permitted to go forth, as the deliberate expression of the sentiments of those gentlemen, who compose that body, and especially of its presiding officer. I have given you a history of the origin of this report; and I distinctly challenge a contradiction of my statement from any member of the Council. The following questions are propounded by the gentleman, who wrote the address.

"Is it, not probable, but is it not impossible, that any drunkard, awakened to a sense of his whole danger, of the poverty, the disease, and the disgrace he was bringing upon himself and his family, could, for a moment, suspend his decision upon the question, whether another man would give up drinking wine, or forego a questionable or even any the most vicious habit? The very supposition is absurd on the face of it. Who, that has a sense of virtue, would look round for a price for which to practise it? What has my virtue to gain or to lose from all else in the whole universe? By what tenure can I hold it, but by the still small voice within me, which is more than the echo of that which speaks from heaven?"—p. 94.

I have seldom encountered a more extraordinary mass of interrogative nonsense, compressed in the compass of a nutshell, than is exhibited in the preceding quotation. It is precisely

that, which might be expected from one, puffed up by that *mola*, that false conception of the brain, his own "MORAL POWER," and who was so absorbed by a regard for his own "*individuality*," that he could give little gratuitous consideration to the concerns of his fellow men. Now if "*my virtue*," and "*the still small voice within me*," and "*my moral power*," be an inadequate security for the faithful and honest discharge of my duty, when entrusted by an honorable body, to do a particular act, how shall they suffice for the moral government of a poor, infatuated drunkard! This vain confidence in one's moral power was the cause of Peter's fall. Those men, upon whom, from my own experience through life, I should be most ready to rely, are the very individuals, who have the least confidence in this principle, without the grace and the power of God. In the preceding extract, the case is supposed of a "*drunkard awakened to a sense of his whole danger, of the poverty, disease, and the disgrace he was bringing upon himself and his family*;" and it is asked if his *virtue*, and *the still small voice within him*, be not sufficient, without the example of other men, and if it be needful, that his neighbor should give up his wine, to induce him to give up his ardent spirit? The moral pathology of drunkenness teaches us, that this vice, in very many subjects, is a continuous alternation of sin and repentance. I know drunkards, who are, for the time being, thoroughly "*awakened to a sense of their whole danger*," &c., whose intervals of sobriety are periods of the bitterest remorse. These men, nevertheless, cannot believe in the necessity of total abstinence even from distilled spirit. They perceive no good reason why they may not rest upon their *moral power*, and intrench themselves in the strong hold of their *virtue*, and listen attentively to *the still small voice*. They resolve, that they will drink in moderation for the rest of their lives. They part from their wives, in the morning, exchanging the most positive promises, for entreaties and tears;—and they come home drunk at night. The succeeding day is again a period of repentance, and so forward *toties quoties*, to the end perhaps of the chapter of life. Possibly, one of these individuals has a humane neighbor, who urges him to sign the pledge of abstinence from distilled spirit. And pray do you not drink wine? He replies,—I do occasionally.—And is there not alcohol in that wine?—I presume there is.—And do you not know some persons, who get drunk upon wine, and

bring "*poverty, and disease, and disgrace upon their families?*"—I think I do. Well, then, if you will pledge yourself to drink no more alcohol, mixed with grape juice, I will pledge myself to drink no more alcohol, mixed with water; in other words, if you will relinquish it entirely, so will I.—Now there is nothing unreasonable in this. If such an agreement be made, it is of mutual advantage. There is no more reason in any objection to such an arrangement than in the common objections to the pledge. It takes away the moral power of a man no more than the application of a bit takes away the physical power of a wild horse. Indeed it takes away the immoral power, and nothing more. The argument, if such a fallacy deserve the name, contained in the preceding extract, is predicated upon a supposition, that no other means of government are applicable to man than the power of virtue and the force of reason; and even the poor infatuated drunkard is required, in a lucid interval of sobriety, to spurn the force of common example, and to reform, even without the assistance of a pledge; for there are certain gentlemen under the ancient *regime*, who are styled members of the Massachusetts Society, *ex curtesia*, who have never signed a pledge, and who disapprove this principle of action. The writer of the preceding extract seems to suppose, that the rum drinker, who agrees to total abstinence, simultaneously with the wine drinker, receives "*a price*" for doing so. This is certainly a very childish remark from a full grown man. I am surprised, my dear sir, that a person of your penetration should not have perceived its absurdity. If this matter be to be put upon the footing of bargain and sale, who is, in reality, the buyer? The rum drinker surely, not less than the wine drinker; and he receives no more than he bestows. But the writer of the address assumes the case of a "*drunkard awakened*," &c. Now this proposition, for a mutual surrender of all alcoholic drinks, commonly proceeds not from a "*drunkard awakened*," &c., but from tipplers of distilled liquors, who have not arrived at the most degraded stages of drunkenness. They know how dearly the wine drinker loveth his wine, and they are determined to put his self-denial to the test. There are not a few, and more, I am persuaded, than I once believed to exist, who are not "*advocates for the habit of drinking*" distilled spirits, "*but for the liberty of doing so.*" These men are no more drunkards than you and I, my reverend friend. They have full reliance on

their *moral power.* They drink a little brandy, for amusement, or perhaps to show, that they are not members of any temperance society, and that they are sons of "liberty." There is another class, who are not drunkards, and who take a little rum to keep the wind off their stomachs, or a little brandy to help their digestion, or a little gin for the strangury. These individuals have no fixed habits of intemperance as yet, and many of them would be willing to combine with their wine-drinking neighbors, for the formation of a total abstinence society. The origin of such a society might be nothing better, in some instances, than a spirit of competition or bravado; but it would compel both parties to make a fair experiment of pure water; and as, in the words of Goldsmith, "those who came to laugh, remained to pray," many, who had entered into such a combination, and signed the pledge, without much serious reflection, might become the most earnest advocates of the temperance cause. When higher and holier motives are inapplicable to the subject in hand, such humble *succedanea* may be lawfully employed. Such was the opinion of Arch-deacon Paley, when writing on this interesting subject.[35]

Your own remarks upon this point, do not seem to weaken the force of this argument of *expediency.* Man is an imitative creature. When he beholds a convivial circle indulging in some costly inebriant, he is led, by the force of example, to do the very same thing, to the extent of his ability. He will laugh you to scorn, philosophically withal, if you assure him, that the *effects* of your inebriant and his are entirely different; and he will assure you in return, that he would not exchange an affection of the liver for the horrors of the gout. When you tell him, that you contend for the *liberty* and not for the *habit*, he will affirm that he contends for no more. Will the wine drinker aver that he is in no wise responsible for this effect of his *example?* I beg you to peruse the following remarks of Dr. Paley. "To these consequences of drunkenness must be added *the peculiar danger and mischief of the example.* Drunkenness is a social, festive vice, apt, beyond any vice that can be mentioned, to draw in others *by the example.* The drinker collects his circle; the circle naturally spreads; of those, who are drawn within it, many become the corrupters and centres of sets and circles of their own; every one countenancing

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[35] Appendix, K.

and perhaps emulating the rest, till a whole neighborhood be infected from the contagion of *a single example.*"[36]

The whole of your argument presupposes that, which I entirely deny,—a profitable distinction between distilled and fermented liquors. I have argued upon this point at some length already. Can you produce men, who have drunk wine in moderation, through a long life, and who enjoy excellent health? I can produce as fair specimens of men, who have done the same thing in relation to distilled liquors, and with little or no *apparent* mischief. Name to me a crime, committed under the influence of distilled spirits, and I will furnish a like example, perpetrated under the influence of fermented liquors. Murder, incest, adultery, and the whole catalogue are at hand, and you shall have your choice of the three learned professions, for the selection of the perpetrator. This subject is not to be thoroughly studied, in your closet, nor to be discussed, for any profitable purpose, under the influence of personal excitement. To the diseases, peculiar to wine drinkers, I have slightly alluded. I refer you to the Appendix for some additional particulars.[37]

You say "*the argument*" (of expediency, and the force of example) "*assumes that the members of temperance societies are chiefly rich men.*" Assuredly the argument assumes no such thing. It assumes, that a considerable number of those members, *who are rich men*, and some, who are not, indulge in wine; and that an opprobrium is thereby brought upon the temperance cause. Your statement, that nine tenths of the members of temperance societies are *poor men*, is equally erroneous. You appear to have gathered your statistics, without much regard to their accuracy.

"*What, after all,*" you inquire, "*is the character of wine drinking in this country, about which such an outcry is raised?*" A more important inquiry relates to the future: *what will it be hereafter* progressively, from year to year, as the use of ardent spirit becomes less? In the replies, which you have furnished to your own inquiry, you have displayed a remarkable deficiency of correct information. It may be reasonably doubted, if your position afford the very best opportunity for judging correctly of this matter. This is a subject for patient and careful investigation, not surely in relation to a

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[36] Mor. Philos., Book IV, ch. 2. [37] Appendix, L.

single city, much less in relation to a single village. It is no cause of reproach, that you know very little of these interesting facts; but it is to be regretted, that you have written so confidently upon a subject, in respect to which you are so manifestly mistaken. "*There is a small class of dissipated young men, who herd together and drink costly wines.*" For this you may safely read,—there is a very large class of dissipated young men, middle aged men, and old men, in our country, who herd together, and who do not herd together, and who drink costly wines. They are to be found in every city, and in many towns and villages. Every wine-selling hotel has its circle, and one of the *greatest* sources of profit to these establishments, is the sale of wines. Again, it is a subject of serious and increasing complaint, that *many* members of temperance societies, in cities and villages, pledged to abstain from distilled liquors, are becoming wine, beer, and cider drinkers *to excess.* When you say, that the only class, for which the pledge can reasonably be extended, "*are a few intemperate persons,*" I am surprised at such an unphilosophical employment of words. There are very many, youthful members, in the immense mass of temperance societies, in our country, who have never been intemperate, who have never tasted a drop of *distilled* spirit, excepting as it is so commonly found in wine, and who are now contracting intemperate habits upon wine, and other fermented liquors. What comfort such persons will derive from the perusal of your unfounded opinions! How much consolation will they receive from the hardy assertion in the "*address,*" that *wine* (and of course the alcohol, &c., therein) *is not a poison; that it is digested, and subserves the purposes of alimentation and nutrition!* an assertion, which I have shown you, upon the highest authority, to be preposterous and utterly false.

"*In a few instances, these profligates become heads of families, and continue intemperate wine drinkers.*" Now, sir, unless your aversion to *apocryphal* matters, ceases to disturb you, when you yourself are their author, permit me to request an alteration as follows,—and I speak from my own personal knowledge of numerous examples:—in a *multitude* of instances, these profligates become heads of unhappy families; and, while they continue their intemperate habits upon wine, resort also to brandy and other distilled liquors; and, having lost their peace, and destroyed their good names, and wasted their substance, and abused their wives, and neglected their children,

for several years, they have, at length, laid down in their graves of infamy. These very men were disposed, in the commencement of their habits, to exclaim with you, "*what is the character of wine drinking in this country, about which such an outcry is made!*"

You next observe:

"The next and most numerous class who drink wine are among the most estimable of our citizens,—producing a smaller proportion of inebriates than any other class of society. With them, it is an article of fashion or luxury which custom sanctions. It does not appear except at the dinner table, and then is used, if at all, very sparingly, and, for the most part, apparently without injury."—p. 97.

There is great error in this statement. The most numerous class of wine drinkers is not "among our most estimable citizens." Neither is it true, that wine is used "at the dinner table" only "among our most estimable citizens," with whom you say it is "*an article of fashion or luxury, which custom sanctions.*" It is used at balls, routs, supper, and evening parties of every description, not only by males, but females. Nothing can be more absurd or in a more evil taste, than the exhibition of these groups of young persons, of both sexes, many of whom have scarcely ceased to be boys and girls, and who have not yet acquired a relish for the whiskey punch-bowl, which is sending forth its steams in the anti-room, sipping their cordials and champagne! You say it is taken *apparently* without injury. The rule of law, in relation to records, which are not apparent, applies not to the effects of wine, *non apparentibus et non existentibus eadem est lex.* The account is occasionally supposed to be forgotten, but the trespasser is frequently summoned to a settlement, long before he dies.

The consumption of malt liquors has prodigiously increased, since the spread of the temperance reform, and beyond the ratio of the increase of our population. This fact is undeniable; it is manifest. The increased consumption of wine is less observable, but it is nevertheless enormous. Deducting exports from imports, the quantity remaining for consumption during six years, from 1825 to 1830, both inclusive, did in no year reach three millions of gallons: in 1831, it was 3,358,931 gallons, and, in 1832, it was 5,421,631 gallons. I have not seen the account for subsequent years. This wine, the wine

of commerce, is notoriously enforced with ardent spirit, as I have previously stated.

Such being the fact, I beg leave to call your attention to the pledge you have already subscribed. Unless that pledge vary materially in its character from the common pledge of total abstinence from ardent spirit, it contains, not only a solemn promise not to use it as a beverage, but to discountenance the traffic therein, by all lawful and honorable means. If you have thus pledged yourself, I solicit your attention for one moment. Common wines cannot be preserved, for any considerable length of time, in a perfect state, without brandy or other adscititious alcohol: brandy is notoriously added. I have said enough, I presume, upon this point. The trade in the wines of commerce could not be carried on, without the distiller's assistance. All practical vintners and wine brewers will remove any doubt upon your mind, in relation to this fact. Now, upon what principle can you, or any other man, so pledged to discountenance the traffic in ardent spirit, buy and consume any article, not of necessity but of luxury, whose consumption causes the manufacture of ardent spirit and the traffic therein to continue?——

"*We have no moral right*," you remark, "*to do that indirectly, which it is wrong to do directly;*" and, in this connexion, you quote the following passage from the review of Dr. Sprague's Sermon:

"It is the province of the temperance reformation, if it cannot directly prevent the use of inebriating liquors, to bring their employment into merited disrepute; to mingle mortification with the mischievous draught; . . . . . to satisfy the female sipper of champagne, that woman, who was last at the cross and first at the tomb, should be found in her appropriate station here," &c.—p. 101.

Upon this point, a single observation may suffice. If I believe that my neighbor is becoming a drunkard, and is much more alive to the shame than to the sin of his conduct, what shall I do? I desire to prevent him from being a drunkard. But I have no right to do this directly. I have no right to enter his dwelling, and tie his hands, or take away his strong drink. Have I no right to approach him indirectly, by drawing before his eyes a picture of the turpitude of drunkenness, and thus "*mingle mortification with the mischievous draught?*"

Let us bring these labors to a close. I pass by your remarks

upon the communion. In my opinion, they have no necessary connexion with the temperance cause. The use of wine at the eucharist, is a legitimate subject for discussion by itself. If *fermented* wine, "*consecrated alcohol,*" be not essential at the communion, let us have it no longer there; but content ourselves with the *fruit of the vine,* in some simple, unintoxicating form, following the command of our Lord Jesus Christ, without any restriction or reservation whatever. In relation to the controversy upon this point, you observe, "*a late writer seriously recommends to settle it summarily, by giving up the communion altogether.*" Some thoughtless person, no doubt, who, I trust, has repented already of such a rash and improper expression. It has not been my fortune, though I have read much of this controversy, to meet with such a sentiment as this, from any quarter.

And now, my reverend friend, that we are about to part, permit me to express my sincere regret, that you have indulged yourself in any unkind expressions. Your opponents do not deserve such treatment from any quarter whatever; and it can never be offered gracefully from a gentleman of your holy profession. Look upon these words once more: "*we were astonished and grieved, by the tone of intolerance, nay, insolence, which prevailed to a great extent, among what we must call, by way of distinction, the ultra party.*" Of nearly *six hundred* members, only *four* raised their hands, in opposition to the sentiments of this "*ultra party.*" Again; "*The cause of temperance then and there received a wound, which will not speedily be healed.*" Once more; "*Many* (?) *members*" left the convention "*with a resolution never more to appear in such company.*" Yet I never entered a more truly respectable and honorable body of clergymen, lawyers, physicians, and men of various other professions. And, though last, not least, in the catalogue of your unauthorized and unjustifiable remarks, "*we think it was a crafty and unfair proceeding, to say the least, to force through the convention, vi et armis, a string of New York resolutions, cut from a New York paper,*" &c. The best possible disposition of these offensive expressions is to leave them to your sober reflection. Every ingenuous member of the convention will make a suitable allowance for the excitement, under which they were written.

And now, sir, I take my leave, with an expression of a sincere hope, on your behalf, that you may, at some not far distant

day, be prevailed upon to subscribe the pledge of total abstinence from all intoxicating liquors, and enjoy, as I have done, for several years, those advantages* of the cold water system, so eminently beneficial to persons in health, and especially to those who are born with sanguine temperaments, which is the fortune of us both.

I remain,

Truly and respecfully, yours,

L. M. SARGENT.

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* See several interesting letters, from Dr. Potter, Professor Silliman, Judge Darling, Dr. Alcott, Commodore Porter, Hon. Lewis Cass, Hon. Theo. Frelinghuysen, Rev. Mr. Fowler, and, though last in this enumeration, by no means the least important, from the Rev. Dr. Millar, which, as Dr. Edwards remarks, more fully expresses Dr. Millar's views than they are expressed in his letter, read in the convention. These documents may be found appended to Dr. Edwards' valuable letter to the friends of temperance, recently published.

APPENDIX.

A.

[*From Pliny's Natural History.*]

If we examine closely, we shall find, that there is nothing on which more pains are bestowed by *man* than on *wine;* as though Nature had not liberally furnished *water*, with which all other animals are content. We even force our horses to drink wine, and we purchase, at the greatest pains and expense, a liquor, which deprives man of the use of his reason, renders him furious, and is the cause of an infinite variety of crimes. It is true, that it is so delicious, that multitudes know no other pleasure in life, than that of drinking it. Yea, that we may drink the more, we weaken this liquor, by passing it through the straining-bag, and we invent other methods to stimulate our thirst.—We go so far as to employ poisons;—some persons, before drinking, making use of *hemlock*, that the fear of death may compel them to drink;—others swallow powder of pomice-stone, and many other things, which I should blush to name. The most prudent facilitate the digestion of *vinous crudities*, by resorting to sweating-rooms, whence they are sometimes carried forth half dead. Some cannot even wait to reach their couches, on first quitting the bath, nor even to put on their tunics; but, naked and panting as they are, rush eagerly upon great pitchers of wine, which they drain to the bottom, as if to exhibit the strength of their stomachs. They next vomit, and drink anew, renewing the like career *twice* and *three* times, as if born only to waste wine, and as if man were under obligation to be the canal, by which wine should flow back to the earth.—Oth-

ers borrow from the barbarians most extraordinary exercises; to show that they are constituted genuine wine-bibbers, they tumble in the mire, where they affect to lay the head over flat upon the back, and to display a broad, muscular chest. All this they practise without shame, because these violent exercises lead them to drink with increased avidity. And now, what shall we say to the infamous representations on the drinking cups, and vessels for wine, which would seem as though drunkenness alone were insufficient to excite men to lewdness! Thus they drink, as it were, *prostitution;* and drunkenness, ye gods! is invited and even bribed with a reward. Some receive a certain sum of money, on condition of eating as much as they drink; others expend in wine what they have obtained in games of chance. It is thus the eyes of the husband become heavy, while those of the wife are wide open, and employed at full liberty. It is then the most secret thoughts are revealed.—Some, at such times, disclose the disposition of their last wills and testaments.—Others throw out expressions, which, in the common phrase, they will hereafter be forced to eat: how many have perished in consequence of words uttered in a state of inebriety; so that it has passed into a proverb, that "*wine brings truth to light!*" Such men, at best, see not the rising sun, and thus abridge their lives. Thence arise their paleness, their pendulous cheeks, their ulcerated eyes, their trembling hands, incapable of holding the full glass, without spilling a portion of its contents; thence those furious transports, which disturb their slumbers; and that inquietude, (just punishment of their intemperance,) in which their nights are passed. The highest reward of their drunkenness is the creation of a monstrous lust, and a pleasure which nature and decency forbid.—On the morrow, their breath is still infected with the odor of *wine;* they experience, as it were, a *death of memory*, and an almost total oblivion of the past. Those, who live after this sort, call their conduct the art of making time, and enjoying life; though both the day of their debauch and the subsequent day, are equally lost to them.

In the reign of Tiberius Claudius, about forty years ago, it became the custom, at Rome, to drink wine in the morning, with empty stomachs, and to take no food till after drinking. This was of foreign derivation, and was introduced by certain physicians, who wished to commend themselves to public favor, by the introduction of some novelty. To drink deep is, by the Parthians, considered highly honorable. Among the Greeks, Alcibiades has thus distinguished himself. Among the Latins, Novellius Torquatus, of Milan, who had been *prætor* and proconsul, has obtained the surname of "*Tricongius*," by drink-

ing, at one draught, three *congii* of wine* in the presence, and to the great astonishment of the Emperor Tiberius, who, in his old age, became cruel and even severe, but, in his youth, was much addicted to drinking. It is believed, moreover, that Lucius Piso obtained from him the prefectship of Rome, for having remained at table two days and two nights in succession, with this prince, who had already mounted the throne. It was said also, that in nothing did Drusus Cæsar more closely resemble his father Tiberius, than in the quality of a deep drinker. Torquatus, of whom we have spoken above, had no equal in his exact observance of the Bacchanal laws; for the art of drinking has also its laws. Whatever quantity of wine he drank, he never stuttered, nor vomited, nor * * * * * *.

The morning found him still at his potations. He swallowed a great quantity of wine at one draught, and if a small cup was poured out to him, he failed not to demand the remainder. Whilst he drank, he never took breath, nor spat; and he never left in his glass any heel-taps, which could produce sound, when thrown upon the pavement; in which he diligently observed the rules for the prevention of trick, in drinking. Tergilla reproached M. F. Cicero, that he drank two *congii* at a single draught; and that, one day, being intoxicated, he had thrown a glass at the head of Marcus Agrippa. In truth, these are the works of drunkenness. But, doubtless, Cicero, the son, wished to take from Mark Antony, the murderer of his father, the palm of drunkenness; for it is well known, that, before him, Antony had been very jealous of the title of a first-rate drinker; and even published a treatise on his drunkenness, in which he dares to apologize for that vice. But this treatise persuades me only that the drunkenness of Antony was the cause of all the evils, with which he has afflicted the earth. He *belched forth* this work a short time before the battle of Actium, as if to show, that he was already intoxicated with the blood of the citizens, and thirsted only the more for it. For this necessity accompanies the vice of drunkenness,—that drinking augments thirst. And every one knows the "*bon mot*" of the Scythian ambassador,—that the more the Parthians drank, the more they thirsted.———The Western nations have likewise particular intoxicating drinks. The Gauls and Spaniards compose them of grain, steeped in divers manners. The Spaniards give them various names, but the materials are the same. There is now a method of rendering them susceptible of long preservation. Similar drinks are also made in Egypt from grain; there is no part of the world, where INEBRIATION is not practis-

* 3 gallons, 1 quart, 1 pint.

ed; for they drink such liquors *pure*, that is, without diluting them like wine. The earth seemed to produce grains for the nourishment of man. But, by Hercules! how industrious is vice! We have found a method to make even water intoxicate us. Two liquors are furnished by trees, both very pleasant to the body of man,—*wine* for inward, and *oil* for outward application. Oil is, however, the most useful; and men have been industrious in their efforts to procure it. But they have been infinitely more diligent in regard to wine; having invented nearly ninety-five different sorts of it, and (on strict examination, perhaps double the number might be reckoned,) so very few of oil.—*Plin. Nat. Hist., Lib. XIV, Sec.* 28; *Lemaire's Ed., Vol. V, page* 359.

B.

With another modern nation, however, which has been thought to resemble the ancient Greeks in character, the analogy is still more complete. Thus at all entertainments among the French, the ordinary wine is used with a large admixture of water, generally in the proportion of one to three, except immediately after soup, when it is drunk pure. The finer kinds are circulated in the intervals between the courses, or towards the end of the repast, and hence, are termed *vins d' entremets;* but with particular dishes certain wines are served, as Chablais with oysters, and Sillery after roast meat. The *coup d'avant* of *wermuth* has been already noticed, as corresponding with the draught of *muslum;* and the *coup du milieu*, which consists of some liqueur, "quod fluentem nauseam coerceat," may be regarded as identical with the cup of sweet wine handed round in the middle of a Grecian feast. With the dessert, the luscious sweet wines are always introduced.—*Henderson on Wines, Chap. VIII, p.* 127.

C.

Most of the other powerful vegetable poisons, such as henbane, hemlock, thorn apple, prussic acid, deadly nightshade, foxglove, and poison sumach, have an effect on the animal system, scarcely to be distinguished from that of morphia and nicotin, or opium and tobacco. The operation of alcohol is also very similar. These poisons produce nausea, vertigo, vomiting, exhilaration of the spirits for a time, subsequent stupor, and even total insensibility; and so does alcohol. They impair the organs of digestion, and may bring on fatuity, palsy, delirium, or apoplexy; and so may alcohol. These effects, indeed, usually follow only in a slight degree from spirit, as it is commonly drunk, because the alcohol is so much diluted. Even spirit of the first proof contains only about 50 parts of alcohol in 100; yet seven drams introduced into the stomach of a rabbit, produced death in an hour and a quarter, and six drams proved fatal to a robust dog, in three hours and a half. Nor are the cases rare, in which alcohol, thus diluted, has proved almost immediately fatal to men. Were the alcohol perfectly pure, or undiluted, these effects would be doubly powerful. Now all the powerful poisons, if mixed with other substances, so as to be less concentrated, may be used for a very long time, even habitually, without *seeming* to produce any very serious effects. A horse may take a dram of arsenic daily, and continue to thrive, and a very small quantity seems not to affect a man. In short, there is so close a resemblance between the operation of alcohol and most of the powerful vegetable poisons, that to regard the latter as poisonous, and not the former, would be highly unphilosophical. Accordingly, the best medical writers of the present day, do class alcohol among the poisons, as well as opium and tobacco.—*Hitchcock's Dyspepsia Forestalled, p.* 135.

D.

It may, perhaps, be worth remarking, that, throughout the wide-spread kingdoms of animal and vegetable nature, not a particle of alcohol, in any form or combination whatever, has been found, as the effect of a single living process, but that it arises only out of the decay, the dissolution, the wreck of or-

ganized matter, or of its ever-varied and wonderful productions; and is it probable, that the beneficent Author of such a countless multitude of medicinal agents, as exist in the products of vital action, would have left to be generated, among the results of destructive chemistry, an article essential to the treatment of a single disease?—*Muzzy's Prize Essay, p.* 62.

E.

The practice of this church, especially in regard to topics of general interest in the community, and those movements which will, at intervals, arise and assume a great transient importance, offers itself next for our consideration. Has this practice, a stranger might inquire, been, in any degree, peculiar? It has, and steadily peculiar. We have been singularly conservative in our customs; mistrustful of innovations, jealous of our liberty, fond of peace, refusing to be influenced by any gustiness of the times. We have loved to dwell within ourselves, and disliked to implicate our concerns with those of other churches, or with any associations of men. These dispositions have, in some sort, characterised our religious society for at least the fifth part of a century. I found them here, and felt in entire accordance with them. We have carried them out as yet, through circumstances that have put them to a severe test, with a tenaciousness that has doubtless appeared to some like indifference, and to others like obstinacy. We have been unexcited by surrounding fervors. We have been inactive, when the general cry has been, What shall we do next? We have thought, with the prophet, that our "strength was to sit still," while many were sending for help, from all the borders of Egypt. We have been ready to suspect, that there might be more motion than progress in what was called the march of the age; and that the "running to and fro" was more certain, than that "knowledge was increased." We have been unwilling to take part, therefore, in enterprises, that have found unbounded favor with a large number of our friends. We have supposed, that the exclusive objects of our association were to worship our Maker according to our consciences, and to maintain the sacred decency of Christian order. We have, therefore, been unwilling to mix up these

objects with plans of a different, however important nature. We have been unwilling to take the stand of missionaries or propagandists in any shape. We have been unwilling to form ourselves into a Bible society, or a temperance, or an education, or a benevolent society; or to appear as any thing else than what we are,—a church of Christ, an assembly for social worship. We wish to preserve ourselves thus distinct. We love to be aloof from the zealous strivings of the day.—*Sermon by the Rev. N. L. Frothingham. Boston; Munroe & Francis*, 1835.

F.

The elder Cato and Corvinus the orator were topers.—*Hor., Lib. III., od.* 21.——Cato of Utica spent whole nights in drinking; and Seneca drank to drunkenness, to relieve the mind of tormenting cares.—*Archæol. Græc., Vol. II, p.* 407.——"Hence it appears," says Archbishop Potter, after innumerable illustrations, "how much the Grecks were addicted to drinking; neither were the Romans more free from that vice."—*Ibid.*——Even Seneca, himself, though in the habit of gross occasional drunkenness, feelingly deplores over that beastly habit, which caused the death of Alexander.—*Senec. Epist.* 83.——The drunkenness of Rome was an untiring theme with the Roman satirists, from Catullus to Juvenal; yet such is man's inconsistency, that they are never weary of pouring forth their praises of the means of drunkenness, their Chian, Campanian, Lesbian, Formian, Falernian, Cæcuban, and other wines.——The legislation against drunkenness in certain parts of Greece was exceedingly severe.—*Archæol. Græc., Vol. II, p.* 407.——Lycurgus decreed that no man should drink, saving to satisfy thirst, affirming that all drinking, beyond that measure, debilitated the body and the mind. He also decreed that men should return from entertainments, without a torch to show them the way; and if gross drunkenness had not been known, no such law would have been made.—*Xenoph. Lib. de Repub. Lac.*—— Solon punished an archon for drunkenness with death.—*Laertius Solone.*——Pittacus, the lawgiver of Mitylene, ordained, that whoever committed a crime, being drunk, should suffer double punishment.—*Laertius Pittaco.*——Romulus punished the use of wine by any woman with death, because it led to adultery, which received a like punishment.—*Plutarch, Numa et Licurg. comp.—A. Gell, c.* 23.—*D. Hal., Lib. II, p.* 95.——

Among the Hebrews, drinking was carried to great excess; it was continued from evening until morning. Such riotous meetings were called more recently, in the Greek tongue, *χώμοι*.—*Jahn's Bib. Arch.*, *sect.* 148.——The Hebrews used wine to such an extent, as often to produce drunkenness.—*Ibid.*, *sect.* 144.——A strong young man could scarcely carry Nestor's drinking cup. The heroical cups of the Greeks became enormous, and this is ascribed to the increasing fondness for hard drinking among them.—*Athen.*, *Lib. de vit. contemp.*——After supper, drinking cups of a larger size were introduced.—*Æneis*, *I*, *v.* 727.——Nothing can more fully show how important this matter of drinking was accounted by the ancients, than their whole system of propinations or health drinkings.—*Athen*, *lib. V. c.* 4.——At the Lacedæmonian entertainments, every man had a cup for himself, which was instantly replenished as soon as it was empty, by a watchful attendant.—*Ibid.*, *Lib. VI*, *c.* 3. ——More than three hundred and fifty standing festivals, among the Greeks, are enumerated by the author of the Archæologia. Those of Bacchus alone, to use the author's own words, were "innumerable."—*Arch. Gr. VI. c.* 20.——Aristotle says, that after the vintage, those present thought it ungrateful to the gods not to get drunk.—*Ethic. ad Michomach. Lib.* 8, *c.* 9.——Anacharsis, being entertained by Periander of Corinth, demanded the prize for being the first drunk, that being, as he said, the end at which all aim in drinking.—*Arch. Gr. V. II*, *p.* 406.——At one of Alexander's drinking matches, at the *funeral* of Calanus, Promachus won the first prize; thirty persons died during this extraordinary effort to please the Mecænas of drunkards, and six more, shortly after, in their tents.—*Athen*, *Lib. X*, *c.* 10.—*Ælian*, *Var. Hist.*, *Lib. II*, *c.* 41.——At Athenian entertainments, there were officers, called *Οφθαλμοι*, eyes, who observed that every guest drank off his "heel-taps," and did his duty.—*Conf. Athen*, *Lib. IX*, *c.* 6. *et* 7.——This species of evidence might be easily multiplied beyond the reader's patience.

G.

Opinion of Mons. Macquit on Wine.

"Wine, taken often, to excess," writes Mons. Macquit, (Dictionnaire de Chymie, Vol. II, article *Wine*, page 639,) "becomes a true slow poison, the more dangerous, as it is more agreeable, and it is almost unexampled, for an habitual

drinker of wine ever to be corrected. But if we observe more closely the effects of wine on men in general, we shall see that there are, in this respect, very great differences, which depend on the differences of their constitutions and temperaments.

There are some who drink wine habitually, even undiluted, and in a considerable quantity, without perceiving any sensible inconvenience from it, and without its occasioning them any malady, or appearing to shorten their days: but many others destroy their health entirely, and abridge their lives, by the habitual use of a small quantity of wine, even mingled with water. *Though it would be, in all cases, very prudent, and much more safe, for every body to take usually but very little*, this becomes indispensably necessary to those, whose temperament does not naturally accommodate itself to this drink. As the ill effects, and the maladies, produced by a too great use of wine, are gradual and insensible in their progress, *many persons*, and particularly men, who although otherwise sufficiently sober, and attentive to their health, are all their days deceived with regard to this article, take habitually more wine than is good for their temperament, and gradually and imperceptibly ruin their health. It is then important to indicate the symptoms by which we may see that wine is contrary, or becomes contrary to those who use it, in order that they may be on their guard. An individual may be assured, that this liquor is injurious, when, after having taken a moderate quantity of it, the breath assumes a vinous odor; when it occasions some disagreeable risings, and slight head-aches; when, after a greater quantity than usual, it produces stupidity, nausea, and intoxication; finally, when this intoxication is sombre, irritable, quarrelsome, and carried to anger, or to fury. Woe to him in whom wine produces these effects, and who, nevertheless, contracts the habit of drinking a certain quantity, and persists in it, and this is but too common; for this habit is very strong. These imprudent and unfortunate men never fail to perish miserably, by languor, and of a premature death; that is to say, towards the age of fifty years and over. Their most common malady is that of obstructions in the liver, the glands of the mesentery, and the other viscera of the lower stomach; these obstructions occasion almost always an incurable dropsy. Those who digest wine well, do not experience, or experience in a much less sensible manner, the symptoms of which we have just spoken; their intoxication is lively, garrulous, and joyful; they rarely perish by the obstructions and dropsy, of which we have just spoken; but, nevertheless, wine is the more dangerous to them, because, experiencing only its apparently good and agreeable effects, they are yet more liable than others to give themselves up to it,

and to contract the habit of excess in it: the wine drinkers of this second kind live usually a little longer than those of the first; but it is extremely rare that their constitution does not begin to be impaired before the age of sixty; and the inheritance of their old age, (when they attain to it,) is either a cruel gout, or palsy, stupidity, and imbecility, and often all these accumulated evils together. It is very evident, beyond the necessity of confirmation, that the use of *brandy*, *ratafia*, and other spirituous liquors, is yet infinitely more pernicious than that of *wine* itself."

We subjoin the following extracts from the Pennsylvania State Temperance Society's Report for 1831 :—

"It is a common error to suppose that the inhabitants of vine countries are temperate, because they drink wine. They are simply less intemperate than their northern neighbors in Europe, and the inhabitants of the United States, because they drink, more generally, a less intoxicating liquor. They are not so much in the enjoyment of a positive blessing, as subject to a bearable evil. Were we to estimate the proportion which they, who, leading an active and laborious life in the open air, take light wines without inconvenience, bear to those who, in the artifices and restrictions of civilized life, are in states of alternate morbid excitement and languor, and whose functions are seldom so nicely adjusted, as to allow with impunity, and without suffering, the stimulation communicated by wine, and the increase of disease, or greater predisposition to it in consequence, we greatly fear, that the last would be found in a large majority. But waving the arguments from analogies, we can appeal directly to facts, to show that wine drinking, even under what have been commonly thought the most favorable circumstances, is attended with all the misfortunes, differing only in degree, which are acknowledged to be brought on by the use of ardent spirit.

"A French physician of reputation, who wrote on hysterical and hypochondriacal maladies, those which are so often supposed to require the cheering influence of wine and analogous liquors, cautions invalids against the use of such, and declares emphatically that nature and common sense both clearly point out water as the only fitting drink. But, from opinions, let us pass on to practice, and see how far the former are confirmed or contradicted by the effects of the latter.

"Peale, in his 'Notes on Italy,' gives the following sketch of a modern Roman tavern, about on a level with an English ale or pot-house, in character and appearance, and, as it would appear, not a whit a more moral or healthy resort.

"'The Romans are certainly a sober people; but the lower classes, though they are not afflicted by Irish, Scotch, or American whiskey, Holland gin, or English porter, yet often indulge to excess in the cheap wine of the country. Every body drinks wine, and to offer water to a beggar would be an insult. It is only used occasionally, with lemons, in hot weather. At a late hour in the evening, in many streets, may be heard the noise of Bacchanalian merriment, proceeding from some deep cavernous chamber, which, seen by lamp-light, shows nothing but coarse-plastered walls, a greasy brick pavement, and benches and tables, around which, in the absence of all other comforts, the most miserable enjoy their principal or only meal of the day, and freely circulate the bottle, as a social bond. Besides, on holidays, the wine shops are frequented by groups of men and women, who sometimes exhibit around the door, a noisy and licentious crowd. But wine is not always deemed sufficient, and those, who are disposed to take a walk about sunrise, may every day see persons with little baskets of *aqua vitæ*, which is swallowed by artificers, between their beds and their workshops.'

"An official return of the number of insane at a celebrated institution (Charenton,) near Paris, and of the causes of the disease of its inmates, places the influence of wine on the health in a new and rather startling point of view. It appears, then, that out of 256 persons received into that hospital, insane from physical causes, during the years 1826, 7 and 8, sixty-four, or one fourth of the entire number, had become so from the abuse of wine (*abus du vin.*) Of these, there were twelve *females*. On taking the whole number of men insane, as well from physical as from moral causes, we find that one fifth were so from excess in drinking wine. It is not difficult to infer, from such data, the extent of injury to health and morals, following the free and habitual use of wines, by the population of a country in which they are made, and in which they are imagined to be light and pure."

H.

"Mr. Mowbray, who cannot be suspected of any prejudices against public brewers, makes an enumeration of articles mixed up in malt liquors.

"'The articles of adulteration used in the public brewery have been occasionally noted in these pages: the following is a

summary or collection of the chief of them:—common salt, bay salt, salt of tartar, sugar, honey, treacle, linseed, cassia, hartshorn shavings, *essentia bina*, (sugar boiled to a thick syrup,) capsicum, ginger, coloring, (boiled sugar,) coriander seed, sundries, (a composition by the brewers' druggists,) grains of paradise, green copperas, slacked lime, tobacco, cocculus indicus, opium, and nux vomica. The detection of these articles has arisen from various prosecutions.'

"Here we find enumerated some of the most active drugs, true poisons, unless prescribed professionally, with great discernment. Such are *cocculus indicus*, *opium*, and *nux vomica*. Nor are these all: from other sources we learn, that belladonna, or deadly nightshade, cherry-laurel, and henbane, have entered into the composition of porter,—'England's boasted beverage.'

"'Various substitutes for, or assistants to, the hops,' according to Mowbray, 'wormwood, sweet flag, (*calamus aromaticus*,) hoarhound, green broom, marsh trefoil, buckbean, socotrine aloes, quassia, the Indian bitter bean.'

"We may well imagine the baleful extent to which the art of brewing is carried in England, when we learn, on the authority of a patriotic nobleman, (Lord Teynham,) that at the present moment there is a less consumption of malt, by two thirds, than there was in 1773.

"After adducing these and other facts, bearing on this subject, and adverting to the act by which the beer trade was laid open, Mowbray makes the following remarks:—

"'Thus a most unwholesome and sickening composition beverage is preferred by a discerning and tasteful public, to genuine and salubrious ale, which no common brewer is encouraged or expected to manufacture. The retail brewers, under the new act, to the extent that I have tasted their commodity, appear to use no noxious ingredients in their ale; salt and sugar, with ginger, perhaps, being their only aids. Their intermediate beer is pleasant and wholesome. But it is asserted, this new scheme is already on the decline. The newspapers of 1823 reported the culture, in Battersea-fields, of two acres of the *lolium temulentum*, bearded darnel, supposed to be for the use of the brewers, perhaps as a cheaper substitute for the Indian berry. Darnel has a stupefying, inebriating, and most dangerous property.

"'Having last year purchased a small quantity of celebrated Scotch ale, as a specimen, I accidentally drank from the bottom of a bottle, which had been nearly emptied the preceding day. Almost immediately, I felt vertiginous symptoms, afterwards *nausea*, and obstruction in the stomach. These

symptoms continued some time, and I was about to chew some rhubarb, when much eructation, and drinking a small quantity of water relieved me. Doubtless my safety is attributable to the small quantity of the *doctor* which I swallowed. This beer was finely brewed, alive, with a fine head, but it heated and annoyed the stomach, and palled the appetite; in short, it was quite the antipodes to the genuine and generous extract of malt and hops, for which, unfortunately, the great and paramount majority have no partiality.'

"If it be asked whether, supposing the demand for malt liquors to become great in the United States, we should acquire the same morbid taste, and become victims to the frauds of brewers, as the British people have so long been, the answer is ready. Our lovers of malt liquor prize highly English porter. With such a beginning,—so strong a stimulus to the palate,—where would our people end, but in drinking distilled spirits; realizing what a celebrated medical writer* says, immediately after speaking of water as our best drink, that, 'in civilized society, stimulants are accumulated, and tempt us by the temporary pleasure which they communicate; *and, when satiated by one kind, we too often have recourse to another, until, at last, health be injured or destroyed.*'

"To give medical evidence to show the number and alarming nature of diseases, which follow the excessive use, or even regular full allowance, as it is sometimes called, of malt liquors, would be to adduce nearly all the names of any weight and respectability in the profession. Gout, rheumatism, diseases of the kidneys, obesity, (a dropsy of fat,) asthma, diseases of the heart, dropsy of the chest, apoplexy, and palsy, preceded even by a stupefaction of the faculties of the mind, are among the prominent bodily ills of those who drink freely and habitually of malt liquors."—*Report of Pennsylvania State Temperance Society*, 1831, *p.* 51.

I.

"Ceci rapelle ce qu'on raconte du fameux Chymiste Paracelse: Jusqu'à l'âge de vingt-cinq ans (écrit l'Auteur de sa vie) il ne but que de l'eau; mais lorsqu'il eut pris du goût pour le vin, il ne garda plus aucune mesure Toutes les personnes, de quelque état qu'elles fussent, lui étoient indifférentes, pour-

* John Armstrong, M. D.

vu qu' elles eussent la mème passion que lui. Il se trouvoit souvent avec des gens du peuple, et ne les quittoit qu' après avoir passè une partie de la nuit à boire avec eux. Lorsque, retiré chez lui, il avoit dormi quelques heures, il se levoit en furie, prenoit son épée, et poussoit (encore mal éveillé sans doute) des bottes contre la muraille. Après qu' il avoit ainsi alarmé tout le voïsinage, il appelait son Secrétaire, qui avoit peine à se garantir de ses fureurs; et lorsqu' il étoit un peu tranquille, il lui dictoit les ouvrages qu' il a composés."

This reminds us of the account of the famous chemist, Paracelsus. Till the age of twenty-five, says his biographer, he drank only water. But when he contracted a taste for wine, he no longer observed any limits. He was often with the lowest of the people, and never left them till he had spent part of the night in drinking with them. Having returned home, and slept some hours, he arose from his bed, and, half awake, seized his sword, and made thrusts, in a great fury, at the walls. After thus disturbing the neighborhood, when somewhat composed, he called his secretary, who had, with difficulty, defended himself from his fury, and dictated to him his works.—*Note on Pliny; Quart. Ed. Paris*, 1772. *Vol. V, p.* 263.

J.

"Drunkenness appears to be, in some measure, hereditary. We frequently see it descending from parents to children. This may, undoubtedly, often arise from bad example and imitation; but there can be little question, that, in many instances, at least, it exists as a family predisposition."—*McNish's Anat., p.* 16.

[35] Apndix, K.

K.

"I own myself a friend to the laying down of rules to ourselves of this sort, and rigidly abiding by them. They may be exclaimed against as stiff; but they are often salutary. Indefinite resolutions of abstemiousness are apt to yield to *extraordinary* occasions; and *extraordinary* occasions to occur perpetually

Whereas, the stricter the rule is, the more tenacious we grow of it; and many a man will abstain, rather than break his rule, who would not easily be brought to exercise the same mortification, from higher motives. Not to mention, that, when our rule is once known, we are provided with an answer to every importunity. There is a difference, no doubt, between convivial intemperance, and that solitary sottishness, which waits neither for company nor invitation. But the one, I am afraid, commonly ends in the other; and this last in the basest degradation to which the faculties and dignity of human nature can be reduced."—*Paley's Moral Philos., Book IV, Ch. 2.*

It is a remarkable fact, that a society was organized, in 1808, in the town of Moreau, State of New York, recognizing the principle of total abstinence from ardent spirits, and adopting a pledge, which society prefixed the preceding passage to its printed constitution.

L.

Instances of persons seized of a sudden with severe fits of the gout, at the celebrating of the feasts of Bacchus, we know, were very common, after a liberal indulgence, and as the custom was, revelling and debauching till midnight. *Ocypus* had no sooner laid himself down, drenched in liquor, and his belly well stuffed with meat, but he waked in a sudden and unexpected fit.—*Lucian. Vol. III, p.* 670.

Of all drinks, water is the least flatulent, because the unelastic air lodged in it cannot be extricated by the heat of the body so as to become elastic. But the most flatulent of all drinks are those taken in the act of fermentation; as, for example, the ale, which is close shut up in very strong bottles, and flies out with the greatest force upon opening them; for, by an imprudent use of them, the most severe colic, iliac passion, and cholera morbus, frequently ensue.—*Van Swieten's Commentaries, Vol. VI, p.* 93.

Miserable is the condition of those who daily indulge themselves in these liquors, (fermented,) for a fatal necessity then follows, of repeating them; and, at length, almost the whole system of their vital and animal actions depends upon a repeti-

tion of their drinking. For paleness, and sinking in or looseness of their cheeks, with trembling hands beset with large blood vessels, oblige them to drink again, even without invitation. I have, with great pity, seen a young man, who, being about to get out of bed in a morning, trembled, and had very troublesome palpitations of the heart, being hardly able to move any limb, much less put on his clothes, until he had taken a few ounces of brandy. If this unhappy person attempted at any time, from great necessity, to oppose this custom, he fell into faintings, and was obliged to use it, even against his will. Thus, at length, his limbs being contracted with great dryness, he miserably perished, in the flower of his age, after leading a most calamitous life.—*Ibid.*, *Vol. V*, *p.* 323.

Rev. Dr Gray
With the Respects of Sam. G. Tho

CIRCULAR.

The Senior Class of Harvard University has taken no part in the disturbances which have recently prevailed in the College; but the President of the Institution having thought proper to publish a Circular, which contains a statement not believed by the students generally to be full and correct, and which they think is calculated to make a false impression on the public mind, a meeting of the class was held on Saturday, the 7th of June, and a committee was appointed to inquire into the causes of the present difficulties, and to state those facts which are not contained in the President's Circular. This committee made the following report, which has been accepted nearly unanimously, and ordered to be published in the name of the Senior Class of Harvard University.

At the beginning of the present academical year, Mr. Dunkin was appointed by the Faculty Instructer of Greek. So far as scholarship is concerned, Mr. Dunkin, we are informed, is well qualified for his office; but, from his extreme youth and inexperience, or perhaps from some other cause, he has never been able to command the respect of his classes. Of this fact there is sufficient evidence in repeated instances, where they have shown such a disregard for his authority, as could have proceeded only from some deficiency or fault on the side of the Instructer. Thus much we deem it necessary to state, in order to a proper understanding of the immediate occasion of the disturbances that ensued. On the 19th of May last, a member of the Freshman Class was reciting to this Instructer, when some difficulty arose between them, which may be best understood from the following account given in a letter, from the student himself, written before any disturbance had taken place in the College. We cannot question the truth of his statement, since he is a gentleman of undoubted veracity. The account of all that occurred in the recitation room is confirmed by the students of his own section.

"That part of the recitation at which Mr. Dunkin took exception, was a long list of proper names. I began reciting them, as I thought, correctly; he objected, and asked me some questions about the cases of the different words; I replied, as I thought, right, and proceeded again to translate. He again objected; I then turned over the leaf, and seeing there were a good many more of them, told him I did not care to recite them. This evidently made Mr. Dunkin

very angry, and he replied, 'but if I say so, you will.' I *then* told him I could not acknowledge any such authority in him. This he reported to the President; I was called up, and made this same statement to the President. After some considerable conversation, he dismissed me; he however sent for me again immediately, and was disposed to have the matter settled amicably. I must remark here, that when I first called on him, he insisted on my making an apology to Mr. Dunkin, and that I peremptorily refused; on calling the second time, he did not so much insist, but strongly advised it; but he said in conclusion, he felt (in consideration of my previous conduct) disposed to let the matter drop, and not mention it to the Faculty, provided he heard of no more such conduct. I told him, I would go to Mr. Dunkin's recitation, and behave as I had done heretofore, if I saw no change in Mr. Dunkin's conduct towards me. I went accordingly the next morning, with the firm conviction that the whole affair would be readily forgotten. I however was not called upon to recite; I thought nothing of this, as it was not a thing of rare occurrence, and went to my room as usual. In the evening I was sent for by the President, but was not in my room, and did not know of it until the next morning (Wednesday). I went to his study immediately after prayers in the morning. When I entered, he said he 'wished to have this affair settled.' I told him I thought it had been already settled; he said, No, Mr. Dunkin considered me as one who did not acknowledge his authority, and could not look upon me in the light of a student. I then for the second time explicitly told him, I had not refused to recognise Mr. Dunkin's authority as Tutor; that the authority I refused to acknowledge was that of *obliging* me to recite. He said Mr. Dunkin considered that I had refused to recognise his authority in the abstract; I told him if Mr. Dunkin did think so, he wilfully misunderstood me, and I should not take the trouble to set him right. We afterwards had more conversation on the subject, he still insisting on my unsaying what I had said to Mr. Dunkin, which I as strenuously refused. When, seeing no probability of a compromise, I told him that rather than any more disturbance should ensue, and rather than stay and be quoted as a precedent for those of the class, who might be disposed to disobey Mr. Dunkin, unpleasant as was the alternative, I would leave. I stated to him also, that, as we had agreed the morning before, I had gone to Mr. Dunkin's recitation, and that he had not noticed me. He said Mr. Dunkin acted perfectly correctly, and did it intentionally. *Then* I told him I would not trouble his recitation again, but would ask permission to take up my connexion with the institution. He said he would call a meeting of the

Faculty and send for me. I told him I had nothing more to say than I had said to him and he had written down, and I did not wish to go before the Faculty, if it could be avoided. He said it was optional whether I came or not, but he would probably send for me. We then parted. When I called again, this morning, he had two statements materially different, which he said he had written as I dictated. The first I told him at the time was wrong, the second he did not read to me; but when I objected to the first, and told him some of the statements were wrong, he said that was the way I had stated it to him first, and that the second statement, as it is in this paper, was made afterwards (on Wednesday morning). I feel confident my statements did not differ, as I spoke them to him, materially, in a single point. I was particular, because an investigation would, in all probability, be made into the affair by the Faculty."

He did not know, nor was he informed, that he had a right to appeal to the Faculty, but only had the alternative of making an apology or leaving. Why the Instructer should have been so eager to assert his dignity and authority in this particular case, while he neglected to report to the Faculty many instances of gross disrespect, we are not able to state.

As soon as the circumstances of this affair were known, the classmates of this student manifested the greatest indignation, and although he earnestly requested them to make no disturbance, yet some of their number were so exasperated, as to show their displeasure by breaking the windows and destroying the furniture in the recitation room of the obnoxious officer. For several successive days there were, as is usual on all occasions of discontents, interruptions to the morning and evening prayers. In the meanwhile a petition from the Sophomore Class, praying to be relieved from writing Greek — an exercise which has never been required till the present year, and which they considered as too great an exaction — had been rejected, or was understood to be rejected, by the Faculty. The two lower classes, therefore, though from different motives, joined in these disturbances.

On the morning of Saturday, the 24th of May, the President stopped the Freshman Class after prayers, and in the course of some remarks, declared to them, *that no further notice would be taken of the disorders which had already occurred, unless they were continued.* On that evening and the following day (Sunday) no disturbances took place; and on the morning of Monday (May 26th), prayers were *not* interrupted, as is stated in the President's Circular. There is every reason to believe that all difficulties would have been at an

end, had not the President called up several members of the Sophomore and Freshman Classes of high standing, both as regards scholarship and conduct, and told them that if these disturbances were repeated, it was the determination of the members of the Corporation to advise the Faculty, "to take such measures by legal process, civil or criminal, to punish or prevent such outrages as had been committed upon the College property," &c. The President says that he made this communication, not as a "*threat*," but as a "*friendly notice*." It is true that he read to these individuals the paper inserted in the circular [p. 3.];* but the manner in which he delivered it was extremely violent, calculated to irritate their feelings and to leave on their minds the impression that it was a threat and not a warning.

We cannot but think that the renewal of the disturbances was owing to a want of discretion on the part of the President; for by this step, taken at a time when order had been restored, the whole College was exasperated. We then protested and we still protest against the measure, then threatened, and now put into execution, of bringing the matter before the civil tribunals of the State. By the laws of the University (Ch. viii. § 2.) it is provided: "If the perpetrator be not discovered, damage, when done to any inhabited room or study, shall be made good by the occupants; when done to an entry, by an equal assessment upon those inhabiting the entry; when done to any public seat, table, or room, by an equal assessment upon those who occupy such seat, table, or room; and *when any other property belonging to the University is damaged, or destroyed, or purloined, it shall be made good by all the students who were in town at the time.*" So that the measure above mentioned is not necessary in order to recover damages. Should it be said, that an assessment upon all the students for depredations committed by a part of their body, would be unjust, we reply that besides this being the law of the University, there is no one of us who would not choose to pay such an assessment, rather than permit any of our number to suffer the disgrace of a public prosecution.† This disgrace to the young men, subjected to such a course, is immeasurably out of pro-

* Appendix, p. 10.

† From information, obtained from the Steward of the University, we are able to state that the highest amount of damages is estimated at $300; and this divided among 210 students, gives $1,43 for the assessment on each individual. Within the last two or three years there have been larger charges for special repairs upon the term bills. *The greater part* of the above damages were incurred on Thursday, the 29th of May, three days after the President had communicated to certain members of the Sophomore and Freshman Classes the notice that "legal process would be instituted," &c.

portion to the offence committed, and it extends, moreover, to their parents and to the University. The depredations were committed in a moment of great excitement; and though we declare our most decided disapprobation of any such proceedings, yet when we consider the feelings of the perpetrators, and that the mode which they took of expressing their displeasure at treatment, which they esteemed unjust, was the one usual in such cases, we cannot but feel in the highest degree indignant that resort should be had to measures so exceedingly severe. Besides, in the present case, those concerned in the outrages could have been discovered through means provided by the College Laws. Had the President required from each member of the classes in question to inform what he knew of the injuries committed, they would have been obliged to declare who were guilty, or, according to one of the laws, would have been subject to punishment for an high offence. (Ch. xv. § 3.) "Refusing to give testimony in any case when requested by the Faculty or a committee thereof; or falsifying therein [is an high offence.] In all cases of an attempt to screen individuals, who have committed acts of disorder or violence, by withholding evidence, the Faculty may select for punishment any, who, by withholding evidence and screening the guilty, shall thus appear to the satisfaction of the Faculty to be actors in, or abettors of, the crime." Had such a course been adopted towards the members of these two classes, we are confident that their sense of honor would have induced the guilty to surrender themselves to College punishment, rather than permit the rest to suffer on their account; but when threatened with a criminal prosecution, many, of course, would make no confession that might criminate themselves. No milder means, that have come to our knowledge, were tried for the discovery of the perpetrators, and resort was had at the very first to a law which has seldom or never been carried into effect. Indeed, the President said to several members of the Freshman Class, that he had evidence amply sufficient against three or four students who were engaged in the late depredations on the College property. Why legal process was instituted, when these three or four offenders were known, we have not been able to ascertain.

We by no means claim an exemption from the laws of the Commonwealth, and should any student injure the person or property of any citizen, so far from interfering, we should rejoice to see punishment inflicted upon him according to the law. But the relation between the students and the University is very different from that which subsists between one citizen and another. The government of the College is said to be towards us "*in loco parentis*," and ought

certainly to use every means in its power to avoid any step, which tends, as this undoubtedly does, to the destruction of those feelings of kindness, which should exist between students and their instructers. Therefore we think that a regard for the feelings both of the students and their parents, and a regard for the honor and interests of the Institution, should have prevented the Faculty from taking a step so rash and precipitate.

On the evening of Monday, May 26th, the day on which certain members aforementioned of the Sophomore and Freshman Classes were called up by the President, the disturbances were renewed by those classes. Immediately after, a meeting of the Faculty was held and one of the Freshmen, said to have been detected in scraping at prayers, was called up before them. The President then said to him; "Mr. —— do you acknowledge or deny the charge of making violent disturbances at prayers?" "I deny it." "There is one of the Faculty who is willing to *swear* that he saw you scrape with your feet at prayers, *one evening last week.*" The student then said; "Sir, if one of the members of the Faculty is willing to *swear* that he saw me make disturbances at prayers, I think it probable that it is true, but *I do not recollect the circumstance to which he alludes.*" The President told him to go to his room and stay there till sent for. When he returned the President read to him some of the laws, and said: "Having violated these laws, your connexions with the College cease from this time, and you have nothing more to do with the College buildings and appurtenances." These, as nearly as recollected by the student, are the words that passed, certainly the substance of what was said; from which Mr. —— himself understood that he should never have permission to return, and such too was the impression of the students generally.

It will be perceived from this statement, that this student was accused of having made disturbances on the *week preceding* Monday the 26th; and the statement in the President's Circular [p. 4],* which says, that "the same disturbances were repeated the same evening (Monday), and one of the Freshmen was detected in making them," is incorrect; and we have found from positive testimony, that on that evening the student in question did not make any disturbance whatsoever in prayers.

When the circumstances of his dismissal were known throughout College, a meeting of the four classes was held, and a petition for the recall of this Freshman, signed by nearly two hundred students, was presented to the Faculty. After two days' consideration, during

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* Appendix, p. 10.

which there was no disturbance, unless the absence of the Sophomore Class from prayers may be so considered, the petition was rejected. On the morning of the 29th, the Sophomores came into prayers in a body, and, in consequence of the disturbances, which they made, the services were not performed. After commons the whole Sophomore Class, with three exceptions, was dismissed. In the afternoon, meetings of the other three classes were held, separately, to receive the answer of the Faculty to the petition, presented two days before. Much indignation was expressed when the result was communicated. The general impression was, that the Freshman was dismissed without the possibility of returning, which, he being unmatriculated, was contrary to the laws; and another committee from the Senior Class was appointed to obtain from the President explicit information on this point. When it was ascertained that the student could return, the Senior Class was satisfied. The Junior and Freshman Classes, however, passed resolutions to make disturbances at prayers that evening.

The reasons for the general belief that Mr. —— was "*selected*" by the Faculty and punished for an offence which he had committed in common with his class, are these: —

He had attended none of the late class-meetings, and had not participated, in the slightest degree, in any of the depredations which had been committed on the College property. — The President informed him, and the committee, which carried up the petition, that "one of the *Faculty* was ready to *swear* that he saw him scrape at prayers;" now this student was so situated in the chapel as to have rendered it very difficult for any one of the Faculty to have seen him making any such disturbance. This circumstance seemed very strange, and we are not able to explain it. Before his admission to College, the President, among other observations, used words to this effect: "Mr. —— there is something about your air, which makes me think you will not have much respect for the Faculty; now all the Faculty, except myself, have to work for their living, and perhaps they might not like your manners." He also cautioned him, though from the South, against the company of Southerners. It is not strange, then, that it should be thought from these circumstances that there existed a prejudice against this individual.

We understand that the President has publicly denied ever having declared to Southerners that he did not wish any of them in the College, or advised them to go somewhere else; but, on investigation, we find that there are many, who are willing to testify on oath, when it shall be required, that he has used such language towards them. Such observations may be forgotten by those who make them,

but they are not soon or easily effaced from the memory of those to whom they are addressed.

At evening prayers of this day (Thursday, May 29th) the Juniors and Freshmen, according to their vote, made a disturbance. One of the Juniors, being detected, was dismissed for not less than a year. A meeting of his class was immediately held, and it was voted, "to wear crape on the left arm for three weeks, to publish an article in the papers in relation to the conduct of the President, and to burn him in effigy."

It is stated in the President's Circular [p. 7]*, that on Friday morning, two Freshmen, "both of whom admitted they had *led* the class into the hall," &c. From this, one would naturally suppose that these individuals were the leaders of their class in this affair; but the truth is, that they had no leader, and had voted to walk in, as much as possible, in a body, so that no one might be singled out for punishment, and it was by mere accident that these two individuals entered the chapel first. If they were dismissed justly, the whole class ought to have been dismissed.

After a careful investigation of facts, we are of opinion that the late disturbances in the University have not been altogether "without cause or apology," as stated in the President's Circular; and although we declare our decided disapprobation of all the depredations and outrages which have been committed, yet we must say, they were not without provocation, and that the fault lies by no means upon the students *alone*.

Perhaps the circumstances which we have related, have been only the immediate occasion of the recent disturbances. The causes have been long in operation. Besides the local prejudices, to which we have above alluded, the manners of President Quincy toward many of the students have not been such as to conciliate their esteem or affection. His defective memory, and the natural impetuosity of his character, often give him the appearance of acting in an arbitrary and capricious manner; and though his friends allow his sincerity and integrity, yet it cannot be wondered at that many of the students, whom he has not made his friends, should entertain a different opinion.

In relating these circumstances we have endeavoured to be as impartial as possible, and have stated no fact for the truth of which we have not obtained positive evidence.

June 11*th*, 1834.

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* Appendix, p. 12.

APPENDIX.

HARVARD UNIVERSITY, JUNE 4, 1834.

[1] A SERIES of trespasses having been recently committed upon the buildings and property of this Seminary, of a most injurious and disgraceful character, accompanied by a succession of disturbances, extraordinary and without cause, or apology, it has been deemed the duty of the Faculty to communicate to the parents or guardians of each member of the Institution, the nature and course of these outrages; — the proceedings, which have already been adopted, and the reasons of those, which it is deemed indispensable for the safety and discipline of the Institution to pursue.

The exact course of events will be traced, in the order of their occurrence, and without comment. A simple statement of facts is all that is deemed necessary.

On the 19th of May last, the Instructer of the Freshman Class in Greek, reported to the President that one of that Class, when reciting to him, stopped and refused to recite farther; on being told by his Instructer that when "he directed any thing to be translated, he expected it would be done," the student replied, "I do not recognise your authority," shut his book, and paid no attention to his recitation afterward. These expressions were used in presence of the reciting section.

The student having been sent for immediately by the President, and questioned, did not deny, in any material point, the statement of his Instructer. The President, after attempting to convince him [2] of the impropriety of such language, in his relation to the Instructer and the Institution, without success, thought it best to postpone any proceedings upon the subject, until opportunity should be given for any temporary excitement to subside. Accordingly he allowed a day to intervene. On the 21st of May, the President sent for him again. The student then said, that by the words which he used, he did not mean to deny the general authority of the Instructer to question him on his lessons; and that he thought the words he used were, "I do not acknowledge *such* authority," adding that he never would recognise the right of any man to say to him, that "*what he said must be done — must be done.*" Being advised to see his Instructer, and make such apology or explanation as the circumstances of the case seemed to require; he refused, and said that he had determined to take up his connexions with the Seminary. This he had a right to do; being a man of full age (nearly 23 years old). Being advised against such a step, and persisting in it, he was told, it was then necessary for the President to call a meeting of the Faculty, and ascertain whether they would permit his connexions to be taken up, without some College censure.

This was accordingly done. At the meeting of the Faculty, it was decided he should have leave to take up his connexions. It appearing that he had been advised against this step, and persisting in his intentions — the Faculty acceded. They were accordingly dissolved by himself, voluntarily, on the 21st of May.

On that night (Wednesday), between the hours of ten and one, the room occupied by the Greek Instructer, above mentioned, as a recitation room, was torn in pieces by some students, all its furniture broken, and every window dashed out. The windows of a room, occupied by the Steward of the College, were also destroyed, and those of a chamber, occupied by a Professor, were broken.

The morning and evening daily prayers were, on the next day (Thursday), interrupted by scraping, whistling, groaning, and other disgraceful noises, commencing in the Freshman Class, and seconded by the Sophomore; apparently, however, confined to a few in each.

On this night a watch was set for the protection of the College property. It was attacked with stones by several students. An [3] affray ensued. One of the assailants was recognised, and reported to the Faculty.

At the next morning and evening daily prayers (Friday) the disturbances were continued with renewed violence, by the explosion of crackers, and other modes of noisy annoyance.

On the same evening, about midnight, the chapel bell was rung, (a cord having been attached to it,) accompanied by great noises in the yard, which had an obvious connexion with the room of the same student, who, the night before, had the affray with the watch.

The succeeding morning (Saturday) an inflammatory written notice having been found on the advertising board of the University, just before morning prayers, calling a meeting of the Freshman Class to petition for the removal of an obnoxious officer, it was taken down; and the disturbances at prayers continuing, the Freshman Class were stopped after prayers by the President, and such a general address was made to them, as he thought would have a tendency to allay their excitement, by suitable explanations and remarks.

On the succeeding Monday (26th of May) the disturbances were renewed. The President deemed it his duty, and after consulting members of the Corporation, determined to warn the students of the Sophomore and Freshman Classes of the danger to which they were exposing themselves. For this purpose, and as a mode most likely to be effectual, he sent for *nine* members of the Freshman and *eight* of the Sophomore Class, and that there might be no misapprehension, read to them, deliberately, a paper of the following purport —

" That by the laws of the College, *it was made the duty of the Faculty*, and that he knew it was the determination of the members of the Corporation, to advise them, if it should be thought necessary, to take such measures by legal process, civil or criminal, to punish or prevent such outrages as had been committed on the College property; — that by such proceedings every member of the Class might be compelled, if necessary, under oath to declare what he knows of those outrages; — that it was the earnest wish of the President and of every member of the Government to prevent such a resort; — *that if these disturbances were put an end to, no prosecution should be instituted;* — that if such disturbances [4] and trespasses were continued or renewed, the Faculty would be compelled by their duty to pursue that course."

The President then expressed his wish to the young men, who had been thus sent for, that they would communicate the above to their Classmates — not in the character of a threat but as the performance of a duty, thus to give a friendly notice to induce well disposed young men to coöperate with the Government, and to influence their Classmates to prevent farther outrages and disturbances.

The same disturbances were repeated the same evening, and one of the Freshman Class was detected in making them.

Faculty meetings were immediately held, and the student, who had been recognised as connected with the attack on the watch, was dismissed from the Seminary; and the student detected in making the disturbances at prayers had his term of probation closed; he not having been matriculated. Both of them had been permitted to be heard, before the decision of the Faculty took place.

A petition was now prepared, and signed by a majority of all the students, praying for the restoration of the unmatriculated student, — admitting his guilt, but asserting that others were equally, or even more guilty, and that it was unjust to *select* him.

This petition was presented, on the same day, by four members of the College, one from each class. On the same evening, the whole Sophomore Class (with three exceptions) absented themselves from prayers.

On the next morning and evening (Wednesday the 28th) the Sophomore Class (with the above exceptions) absented themselves again in a body from daily prayers.

On this evening the Faculty again met, and, after long deliberation, the following vote was passed.

" Whereas, during the course of the last ten days, great disorders have occurred in the Sophomore Class, with repeated instances of indecent conduct, at daily worship, and other acts of insult and insubordination, indicating a state of excitement and disorder, wholly incompatible with the honor of the College and useful instruction; and eventuating in a successive absenting themselves of the whole Class (with three exceptions) from daily worship, thereupon

[5] " Voted, That all the members of the Sophomore Class (with the above exceptions) be dismissed from the College, and be ordered to leave Cambridge immediately after Commons; which, for that Class, are to cease after breakfast."

This Vote, it was understood by the Faculty, was not to be communicated to the Sophomore Class, in case they came into prayers the next morning and behaved in an orderly manner.

The next morning (Thursday 29th) the Sophomore Class came into the Chapel, in a body, entering at the door, opposite to that at which they were accustomed to enter, and marching two and two across the Chapel, took their seats, and as soon as the religious services commenced, began a series of offensive noises, groanings, firing of crackers, to such a degree, that the President deemed it his duty to request the officiating Clergyman to suspend the attempt to proceed with those services, and dismissed the meeting.

Immediately after this, the President communicated in succession to the several members of the Sophomore Class the Vote of the Faculty, dismissing them from College, and ordered them to quit Cambridge before 12 o'clock.

In the course of the forenoon, a series of disgraceful and riotous proceedings were had in the College yard for several hours; after which the Class went away.

On the evening preceding (Wednesday 28th), the Faculty had also taken into consideration the petition of the several members of the four Classes of undergraduates, and passed the following vote.

" At a meeting of the Faculty of Harvard University, 28th of May, 1834, the President laid before the Board the petition of sundry members of the four classes of undergraduates, requesting a reconsideration of the vote passed at the last meeting relative to * and thereupon, after great consideration,

" Voted, That the President be requested to state to the Committee, charged with the above petition, that from a high respect for the individuals presenting that petition, and the importance of the subject, the Faculty have again taken into their consideration the subject-matter of the closing of the said student's probation, and the consequent ceasing of his connexions with the University, [6] and they find, that by the laws of the College, whenever ' a student, during the time of his probation, fails to manifest such a degree of disposition to good order and obedience to the laws, as shall be satisfactory to the Faculty, his connexions shall cease.'

" They find also that, in this case, the said student did fail so to conduct himself to the satisfaction of the Faculty; having been proved to their satisfaction to have been guilty of the offence, on account of which his probation was terminated. His guilt is admitted by the petition itself, and the ground upon which his restoration is asked, is that others are equally and even more guilty, and have not, in like manner, been dismissed.

" The Faculty did not ' select' * from individuals proved to be equally guilty. On the contrary, he was *the only one* in relation to whom they had such satisfactory proof. And whenever similar proof shall exist against any other individuals, they will be dealt with, in like manner, as the laws and discipline of the University require.

" Upon the most mature deliberation and examination, the Faculty regret that it has become their duty, under these circumstances, not to grant the request stated in said petition."

This Vote was communicated to the three remaining Classes, by delivering, about noon of the next day (Thursday 29th), a copy to each member of the Committee belonging to the respective Classes.

Each Class met immediately after Commons; and in the course of the afternoon the windows of three recitation rooms in University Hall, as also those of the entry, were broken, and the furniture of two of them destroyed.

On the same evening the Freshman Class, with the exception of six or seven, came into prayers marching two and two, and took their seats on the Sophomore benches, and as soon as the religious services commenced, began the same noises as before. This Class were now, for the first time, joined by the Juniors, in which Class scraping with the feet and knocking on the benches occurred. Under all the annoyance, however, the religious exercises were performed.

[7] On the next day (Friday 30th) another meeting of the Faculty was held, and one of the Juniors having been reported for being concerned in the noises at prayers of the preceding evening, and admitting the fact, he was dismissed from College for not less than one year.

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* The name of " the unmatriculated student " was here inserted.

On the previous evening, the Faculty had taken into consideration the combination to disobey the laws, in the majority of the Freshman Class, evidenced by their entering the Chapel in a body, and taking their seats, on the Sophomore benches, in an irregular manner, and decided to apply the law of the College, which directs that in these cases, the most culpable, when known, should be selected.

On Friday morning, two Freshmen, both of whom admitted they had led the Class into the Hall, — one of whom also admitted, and the other of whom did not deny, that he had voted for the measure, at the previous meeting of the Freshman Class, were deemed subjects most proper to be selected, for punishment, under all the circumstances; and accordingly both were dismissed from the Seminary for a term, not less than six months.

On Friday evening, while prayers were proceeding in the Chapel, with a very considerable degree of silence and quiet, the services were suddenly disturbed by a loud shout and clapping of hands and groaning in the north-lower entry of the Chapel, apparently made by persons running through it.

The Faculty having been immediately called together, after prayers, it was proved to their satisfaction, that several students, two of whom were Freshmen, and who were identified, took their stand in front of the Chapel, as the bell was tolling for prayers, and were seen beckoning to other students, as if desirous to collect them together. Only, however, one or two joined them. They waited in front of the Chapel until the bell had ceased tolling for prayers, and until time enough had elapsed for the religious services to have commenced, when the whole collection ran towards the lower north-entry of University Hall, and as soon as they entered, the noise and the clapping was heard, which had disturbed the prayers.

The two Freshmen, who had been thus identified, being sent for by the Faculty, admitted all the facts above stated, and also [3] admitted that the noise was made while they were in the entry. They only denied they made it. On being told they were responsible for it as accessories, and would be punished as such unless they should show who did it; both declined doing this, and were both dismissed from the Seminary for a term not less than nine months.

This was communicated to them on the next day (Saturday 31st). On the succeeding Monday (June 2d) the Faculty met, and the law of the College, Chap. XIV. s. 12, was submitted to them for their consideration, in reference to the trespasses and disturbances which had occurred; and in the following words, viz.

"12. In all cases of gross injuries or depredations upon the property of the University or others; or of gross trespasses or injuries done to persons or property within the precincts of the University, or charged upon any of its members; or whenever the nature and circumstances of the offence in the judgment of the Faculty require, — it shall be their duty to cause prosecution to be instituted before the established tribunals of the State, and the forms of proceeding to be pursued, which are usually applied to like crimes and misdemeanors when committed by other citizens, or residents, according to the laws of the Commonwealth."

Whereupon it was Voted, "That in the opinion of the Faculty, the nature and circumstances of the trespasses and disturbances, existing in the University, require that a prosecution should be instituted before the tribunals of the State."

On the same day, the above proceedings of the Faculty were submitted to the President and Fellows of the College, who thereupon Voted, "That in aid of the proceedings to be instituted by the Faculty in conformity with the Law, the President be authorized to employ such counsel as he should see fit."

On the same evening (2d of June), at a meeting of the Faculty, it was Voted, "That the President be requested to employ counsel to [illegible] with their advice, as he may deem expedient, to carry into effect the prosecution voted at the last meeting."

Signed, by order of the Faculty,

JOSIAH QUINCY, *President.*

PAID

PROCEEDINGS

OF THE

OVERSEERS OF HARVARD UNIVERSITY

RELATIVE TO THE

LATE DISTURBANCES IN THAT SEMINARY.

PROCEEDINGS

OF THE

OVERSEERS OF HARVARD UNIVERSITY,

THE

REPORT ACCEPTED,

AND THE

RESOLUTIONS ADOPTED BY THEM

ON THE

25TH OF AUGUST, 1834,

RELATIVE TO THE

Late Disturbances in that Seminary.

BOSTON:
PRESS OF JAMES LORING.

PROCEEDINGS, &c.

At a meeting of the Overseers of Harvard University, in the Council Chamber, Boston, on Thursday, 31st of July, 1834, the President of Harvard University made the accompanying Statement,* relative to the late disturbances in the University, &c.

Whereupon, Voted, That Hon. John Quincy Adams, Hon. Levi Lincoln, Rev. Dr. Codman, Hon. Benjamin T. Pickman, Hon. Alexander H. Everett, be a Committee to consider the same, and also to prepare an Address to the public upon the intimate connexion of an Institution like that of the University with sound morals, correct principles, and an exemplary deportment on the part of the students, with a view to effect a change in public opinion favorable to a strict limitation of the privileges of the University, to such young men only as manifest, by their conduct and professions, a just estimate of the value and use of the advantages secured to them by the piety, virtue and beneficence of their ancestors.

Attest, JOHN PIERCE, *Secretary.*

At a meeting of the Overseers of Harvard University, on the 21st of August, 1834, a Report was presented by the above Committee, whereupon, after some debate thereon, Voted, that the whole subject be recommitted to Hon. John Quincy Adams, Hon. Richard Sullivan, Hon. James Savage, Hon. John Cotton, and Rev. Convers Francis.

Attest, N. L. FROTHINGHAM, *Secretary pro tem.*

* See document D. annexed.

At a meeting of the Board of Overseers of Harvard University, on Monday, the 25th of August, 1834,

The Committee of the Board of Overseers, to whom was referred the statement made by the President of the University to the Meeting of the Board, on the 31st ult., relating to the recent disturbances among the students of that Seminary, together with a vote of the Board, directing them to prepare an address to the public, with reference to those disorders, ask leave to present the following Report upon the subjects referred to them.

It appears by the statement of the President, that from the 19th of May last, until the close of the collegiate term on the 17th of last month, a series of riotous and disorderly proceedings have taken place, unexampled in the history of that Institution, and in which numbers of individuals, belonging to each of the four Classes, have, with various degrees of guilt, participated.

It is perhaps in the nature of this and all similar Institutions, that the spirit of combination among the undergraduates, occasionally allies itself with individual transgression, to screen the offender from punishment, and to set at defiance the exercise of lawful authority.

Examples of this nature, too, have become more frequent, since the prevailing temper of the age has relaxed the rigour of the ancient discipline, and the pupil has been encouraged to consider himself in a standing rather of equality than of subordination to his Instructers.

The friends of Harvard University have, in more than one instance, had occasion to lament the occurrence of such discreditable transactions, which have always terminated, as they must terminate, in the discomfiture of these unwarrantable combinations.

But there is within the recollection of your Committee, no previous example of disorders, in their origin or in their progress, so unprovoked and unjustifiable, on the part of the students, as in the present case—none in which the contumacious and ungovernable temper has been so strongly marked, both in action and in elaborate argument.

To present this their deliberate conviction in the clearest light, they have deemed it their duty to ascend to the primary and original incident, to which all the subsequent disorders are to be traced

—and, as a pledge of their own impartiality in coming to their conclusions, they have preferred taking the statement of that incident from the narrative of the individual himself, with whom it originated, as contained in the Circular of the Senior Class, rather than from the published statement of the President and Faculty, dated on the 4th of June. By the student's own statement it appears, that at a Greek recitation of proper names, after being once corrected by his Tutor, for an erroneous translation, he proceeded till the Tutor "again objected;" and then, turning over the leaf, and seeing there were a good many more of them, told the Tutor "he did not care to recite them." It is impossible not to perceive in this an open and explicit refusal to proceed in the performance of his duty of reciting, and equally impossible not to discern a public and flagrant insult, in the presence of his fellow students, to the Tutor before whom he was reciting.

The Tutor, very naturally and justly offended, instead of instantly dismissing the section, and reporting the offender to the President, insisted upon his authority in general terms, which the student peremptorily denied. There is a subsequent attempt, in the letter of this young man, to transfer the question of the controversy between him and his Instructer, from his first refusal to proceed in the recitation to the assertion of authority by the Tutor—but this cannot be permitted—the offence was in the first refusal—*there* was the defiance of the lawful authority of the teacher, and *there* was the public insult to his person. The attempt afterwards to draw a line of distinction between the general acknowledgment of the authority of the Tutor, and the denial of *such* an authority as that which he claimed, appears to the Committee, no other than a subterfuge, to change the state of the question, urged by the consciousness of wrong in the first offence.

That offence appears to the Committee, from the individual's own representation of the facts, to have been of an aggravated character, combining a wanton defiance of lawful authority with unprovoked personal insult. They are of opinion that, under all the circumstances of the case, he was, in the permission to take up his connexions without mark of censure, treated by the Faculty with signal indulgence—an indulgence, which he could be the less entitled to claim, as being of an age no longer excusable from the infirmity of childhood, or the ignorance and levity of early youth.

Some allowance should indeed be made for the delicacy of the situation in which he had placed himself, and for the mortification of being, at such an age, repeatedly corrected for an erroneous translation of proper names. His age might make the corrections of a Tutor more unpalatable to his pride; but as it could not exempt him from the authority of the Laws, the Committee think that the course, which, after finally declining to apologise for his fault, he adopted, of withdrawing from the University, was judicious; as the consent of the Faculty to his withdrawing without censure, was mild and generous.

Yet these are the circumstances at which, we are informed by the circular of the Senior Class, as soon as they were known, "the classmates of this student manifested the greatest indignation," and although he earnestly requested them to make no disturbance, yet some of their number were so exasperated, as to show their displeasure by breaking the windows, and destroying the furniture in the recitation room of the obnoxious officer. It further appears, also, that they manifested their displeasure, by assailing with stones the watch whom the Faculty had been under the necessity of appointing for the protection of the property of the University from the effects of this displeasure.

The Committee are of opinion, that there was as little of reason for this indignation, as there was of justification for the manner in which it was manifested. The circular of the Senior Class avows their inability to state, why the Instructer should have been so eager to assert his dignity and authority in this particular instance, while he neglected to report to the Faculty many instances of gross disrespect. It appears to the Committee, that this fact, of itself fully accounts for the proceeding of the Instructer in reporting this particular case; if he had overlooked instances of grosser disrespect than that avowed by the offender in the present instance, it is easy to perceive, in the ill requital of prior forbearance, a very sufficient motive for the recurrence to the authority competent to meet the disposition to disrepect, with chastisement.

From the time of these outrages, the 21st of May, a series of proceedings, not less disorderly, and in which all the four Classes more or less participated, ensued, from day to day, until the last of the month. The Committee deem it unnecessary to enter into a detail of transactions, painful to every friend of correct morals,

of the candour and modesty which are the fairest ornaments of ingenuous youth, and of the laws of the land. The Committee are happy to find honourable exceptions in each of the four Classes, but the prevailing temper, apparent in the major part of them, is such as the Committee cannot pass over without the expression of their decided and unequivocal reprobation.

This temper was displayed, not only by the destruction of the College property, but by successive combinations of single Classes and of the whole four, at some of which, shameless resolutions were adopted to commit, jointly, outrages on the Laws of the University and of the State; while at others, petitions to the Faculty were gotten up, requiring them to reverse their own acts, and, in one instance, to restore an unmatriculated student, who had been detected in making disturbance, and temporarily dismissed from the Seminary.

For the disorders of unlicensed meetings, and for the indecencies of irreverend and riotous noises at the times and place of daily worship, the discipline of the University, and the authority of the Faculty supplied competent remedies. But for the violent destruction of property, and the wanton assault upon persons, sheltered by the spirit of combination, and screened by the dishonourable concert for the suppression of truth, and evasion of testimony, the powers of the presiding officer and of the Faculty afforded no adequate means of detection and punishment. After a week of daily outrages and defiance of the Laws, the President sent for a competent number of the two younger and most disorderly Classes, and gave them distinct and explicit notice that, in conformity with the Laws of the University and of the State, if the disturbances should continue, it would be the duty of the Faculty, and that duty they would, however reluctantly, discharge, to turn over the violators of the public peace and destroyers of the property of the University to the animadversion of the civil tribunals. The disturbances did, nevertheless, continue, and after a second week of reproof and exhortation, and of temporary dismissions, for reiterated trespasses, it was determined, by a vote of the Faculty, on the 2d of June, that a prosecution should be instituted, before the tribunals of the State—a measure, which, on the same day, received the sanction of the Corporation.

Hitherto the Senior Class, though by no means unexceptionable in their conduct upon this emergency, had at least refrained from taking an active part in that portion of the disturbances which involved violations of the Law. In the general organization of the University, there is understood to be, and in the experience of ordinary times there is, in fact, in the Senior Class, a degree of discretion, of gravity and of self-respect, which not only preserves them from the disorders to which the younger Classes are more liable, but serves as a salutary control over those younger Classes themselves—a control of good example—a control of maturer age; of longer experience—of consideration, acquired by a career of estimable conduct, approaching to the conclusion of that probationary term of the College, and to the honourable rewards of Collegiate honours, for time profitably spent and learning reputably acquired. It is with deep regret, that the Committee are now called upon to bear their testimony to conduct in a major portion of the present Senior Class, signalized by the reverse of all this.

On the 7th of June, it appears by their own statement, this Class had a meeting, (without permission,) at which they appointed a Committee to inquire into the causes of the present difficulties, and to state those facts which were not contained in the President's Circular. They affirm that they had taken no part in the recent disturbances; which affirmation, as the Committee have observed, is not strictly correct. They had taken what the Committee consider a very unwarrantable part in those disturbances, first, by joining with the other Classes in petitioning for the restoration of an unmatriculated Freshman under censure of the Faculty for misconduct, and, secondly, by sending a separate Committee to the President with an insulting inquiry, whether the dismission of this Freshman had been ordered in conformity with the Laws. But their motive, it seems, for instituting this inquiry into the causes of the difficulties, is, that the President had thought proper to publish a Circular, containing a statement not believed, by the students generally, to be full and correct, and which they thought calculated to make a false impression on the public mind.

To correct the assumed errors, and to supply the alleged deficiencies of the President's Circular, is, then, the avowed purpose of these proceedings of the Senior Class. The inquiry naturally

presents itself here, who constituted the Senior Class a Court of Errors and of Appeals from the official acts of the President of the University — and the Committee deem this inquiry of peculiar interest to the Board of Overseers, inasmuch as they perceive, in this reversal of the proper relations between the Senior Class and the President of the University, a disposition, on the part of the Class, to assume the performance of the functions appropriate to the Board of Overseers themselves. If the Senior Class were aggrieved by any supposed omission or error in the Circular of the President, it was competent for them to petition the Board of Overseers for redress; and to adduce testimony to any material error or omission in the Circular of the President. The other Classes were entitled to the same privilege. They might be complainants, but they could not be judges. This, however, is what they did undertake by the appointment of their Committee of inquiry. That Committee promptly made their report, which was "accepted nearly unanimously," and ordered to be published in the name of the Senior Class of Harvard University.

It appeared, accordingly, under date of the 11th of June, and in the form of a *Circular*, without designating *to* whom it was addressed — whether to the lawful authorities of the University; to the parents and guardians of the self constituted juvenile Court of Errors and Appeals, or to the public. Had it been in the nature of an appeal from the proceedings of the Faculty, or from the statements in the Circular of the President, to the higher authorities of the University, it would have been doubtless entitled to attention; but, as has been remarked, it should then have assumed the form of petition, remonstrance or complaint, to which, of course, the parties implicated would have had the common rights of defensive answer and reply. Even then, the inquiry would have remained, why the Senior Class should intrude itself as a volunteer upon this controversy between its junior fellow students and the immediate College government. The Circular commences with a profession that the Class had taken no part in the recent disturbances — and although that pretension has been shown not to be entirely well founded, they had taken no part which the Government had thought it necessary to disapprove. Neither the Class, nor any individual member of it, was under censure, or even under question, upon any charge relating to these transactions —

what right, then, had the Senior Class to petition, remonstrate or complain against the acts of the President or the measures of the Faculty which had no bearing upon *them*?

As little occasion could there be for them to address their appeal to their parents and guardians for the vindication of their own conduct. It had not been drawn into question. There was no complaint against them — no censure inflicted upon or impending over them. To the petition, in which they had joined with the other Classes, for the restoration of the dismissed, unmatriculated Freshman, the most respectful attention had been paid, and an answer, in which kindness and condescension are emphatically remarkable, had been returned; nor does it appear that the very extraordinary inquiry, to use no harsher term, which, by a special Committee, they addressed to the President, whether the dismission of the unmatriculated Freshman had been pronounced conformably to the Laws, was received by the President with any manifestation of displeasure. Their Circular states that his answer was satisfactory to them — nor do they allege that it was accompanied with a rebuke, which, in the opinion of this Committee, from its nature, it richly deserved. In the treatment by the President and Faculty of the Senior Class to this period of time, as related by themselves, this Committee can perceive nothing to censure or regret, unless it be a superfluity of deference to a very unreasonable request, and a more than exemplary forbearance of resentment in answering an utterly unwarranted inquiry.

The appeal of the Senior Class, therefore, was to the public — an appeal upon a subject, in which, by their own shewing, they had no direct concern — an appeal against the principal head and Instructers, to whose painful and assiduous labours they are largely indebted for the inestimable blessing of a liberal education, and from whom, by their own shewing, they had received nothing but kindness and condescension — an appeal in behalf of younger associates, confessedly guilty of a long series of violations of the Laws of the University, to the observance of which they had bound themselves and their parents or guardians were bound for them, and of the laws of the land, to which they were bound by their duties as citizens and as men. All these they had trampled under foot, day by day, for the space of a fortnight, without provocation, without intermission, not merely as individual trespassers, but in shame-

less combination and conspiracy, by deliberate votes of whole Classes at meetings as lawless as the purposes for which they assembled, and as the offences committed in execution of their votes.

If the motives of the Senior Class appear to the Committee of this Board wholly inadequate to justify them in issuing this Circular, the principles disclosed, and the argument to sustain them continued in it, are believed by them to be equally exceptionable.

It has been seen that the narrative of the individual in whose impatience of correction and defiance of the authority of his Tutor the whole of these disorders originated, far from contradicting or shaking any one material statement of the President, most unequivocally justifies every measure of the President and of the Faculty relating to *him*. The Committee believe that he did himself justice in withdrawing from a position where he was liable to corrections which his spirit could not brook, and they would award to him a deserved tribute of applause for the moderation and sense of justice with which he dissuaded the students, his late associates, from the commitment of any disorders on account of his voluntary withdrawal from them.

It would seem that a principal motive for the publication of the Circular was a hope to arrest the arm of public justice, which, after ample notice and warnings oft repeated and fruitless, had been invoked for the protection of the University, and of the persons of its officers. The Circular of the Seniors denies two facts stated by the President, and which this Committee deem immaterial. The first, that there were disturbances at prayers on the morning of the 26th of May ; and the other, that the unmatriculated Freshman was dismissed for joining in the disturbances of the evening of that day. The intermission of one or two days in the series of disorders would even, if true, have afforded no reasonable ground for concluding that they were at an end, and as to the *day* when the unmatriculated Freshman was detected in making the disturbances at prayers, it can be of no importance when it is considered that in the petition of the four Classes for his restoration, *his guilt was admitted*—a fact stated in the Circular of the President and not denied in that of the Senior Class.

But the Circular of the Seniors attributes all the disorders, subsequent to the morning of the 26th of May, " to a want of discre-

tion on the part of the President," and this want of discretion consisted in the notification to the Sophomore and Freshman Classes, that if the disturbances and trespasses on the College property should be repeated "it was the determination of the Corporation to advise the Faculty to take such measures by legal process, civil or criminal, to punish or prevent such outrages as had been committed upon the College property, &c."

In estimating the true character of this charge of want of discretion, preferred by undergraduates, scarcely yet themselves of the ordinary age of discretion, against the President of the University, a man of more than three score winters, who, for nearly forty years, has successively filled by the confidence of his fellow citizens, offices of the highest trust, legislative, executive, and judicial, civil and literary, and always with unsullied honour; always with untainted reputation, the first sentiment that forces itself upon the Committee is, that of the rule of proportion in the moral standing of the two parties, the accusers and the accused, before the community. The Circular of the Seniors *claims*, from the Government of the College towards them, the delicacy and the tenderness of the parental relation, and descants upon the *duties* which this relation imposes. It occurs to this Committee that in the relation of parent and child, there are correlative duties of the child towards the parent, of which the Senior Class and their Circular are singularly forgetful. Have the authors and avowed approvers of that Circular, fathers of their own? and if they have, and should, in the course of their lives, unhappily, have had occasion to observe in them "a want of discretion," do they feel as if it was for them in their *filial* relation to proclaim that indiscretion to the world? Have they yet to learn that if there be one moral duty of a child to his parent more imperative than another, it is that of drawing a veil over his infirmities and of hiding the fault they see? Have they yet to learn that the primeval curse pronounced in Holy Writ was upon the son who beheld and exposed his father's frailties? Have they yet to learn — may they never learn by the contamination of their own example

> "How sharper than a serpent's tooth it is
> To have a thankless child?"

and is it for *them*, after this cold and heartless charge before the

public, of *indiscretion*, against him who stood to them in the place of a father—is it for *them* to claim from him and from the Government, his associates, the tenderness and delicacy of the parental relation? we say from him and from the Government, his associates, because the charge of indiscretion, if well founded, falls as heavily upon them, and even upon the Corporation, as upon the President himself, since the measure against which the Circular of the Seniors' protests, was adopted with the concurrence of the immediate Government, and by the advice and with the approval of the Corporation.

"But against this measure the Senior Class did and do protest." We then protested says the Circular, "and we still protest against the measure then threatened, and now put into execution, of bringing the matter before the civil tribunals of the State." That is to say, they *protest* against the execution of the Laws of the University and the Laws of the land. Well; and what then? They allege a Law of the University, by which the damages done to the property of individuals belonging to the University, or to that of the University itself, may be repaired, at the expense of the occupants of the rooms, or of the inhabitants of the Entries—and they quote, with peculiar emphasis, the provision by which, when property of the University is damaged, or destroyed, or purloined, it shall be made good by all the students who were in town at the time—and to meet the objection that the resort to this Law, however necessary, at times, has the inconvenience of involving the innocent equally in punishment with the guilty, they add that there is no one of them who would not choose to pay such an assessment, rather than permit any of their number to suffer the disgrace of a public prosecution. To the generosity of this sentiment so far as it manifests the attachment of the members of the Senior Class to their fellow students, and their solicitude to preserve them from disgrace, this Committee would willingly yield their tribute of applause even when it extends that solicitude to preserve from disgrace those, who, by deeds of violence and outrage, have disgraced themselves. To make good the damages done by an indiscreet associate, to preserve him from disgrace, would be an action altogether generous, if the expense of making it good were, in substance, as well as in form, levied by assessments upon the students themselves. But the members of the

Senior Class, in general, well know, that the assessments to make good the damage done by the destruction or purloining of the property of the University must fall not upon them, but upon their parents, and if their willingness to make this reparation, is to warrant a protest against the resort by the Government to another mode of indemnification for property damaged or destroyed, it is incumbent upon them to shew that their parents are as willing to pay for such damages and destruction to screen the perpetrators from condign punishment, as themselves.

But in the case of wanton and brutal outrage to or destruction of property, the ends of public justice are not answered by mere restoration of the property to the owner, or mere indemnity to him for its loss. The punishment of the culprit is as essential to the peace and security of the community, as the reparation of damages to the suffering proprietor. The punishment of the guilty, the very thing which the Senior Class are so liberal of their indignation and of their money to prevent — the punishment of the guilty, the very consummation which they have violated all their own duties and forfeited all their own promises of subordination and submission to the Laws, to obstruct — the punishment of the guilty is the demand of public justice. Nor is reparation for property damaged or destroyed the only object for which the President, Faculty and Corporation have deemed it necessary to resort to the protection of the municipal Laws. The offenders, whom the Senior Class are so eager to screen from punishment, have violated the rights of persons as well as of things. The officers of the University were assailed with stones, and one of the indictments found by the grand jury of Middlesex County against a member of the Sophomore Class for his participation in these disturbances, was for an assault on the College watch in the night time.

The Committee of the Board of Overseers believe they feel as intensely as any member of the Senior Class, the stigma of disgrace which must attach to any individual convicted, by the verdict of a Jury, and condemned, by the sentence of the Law, for misdemeanors of so aggravated a description. They fervently hope that the individuals, arraigned upon those indictments, if brought to trial, may be acquitted; but, with regard to recommending the discontinuance of the prosecution, the Committee are of opinion that its expediency should be left entirely to the con-

sideration of the immediate Government, without interference, in any manner, of the Board of Overseers.

The Committee of the Board of Overseers, distinctly and explicitly say, that upon full consideration of the measures adopted on those emergencies, by the President of the University, they discover no want of discretion, and that the charge of it in the circular of the Senior Class is as destitute of foundation, as it was indecorous in those by whom it was made. The measures of the President were, on the contrary, preeminently marked by coolness and consideration. He used, with the individual who first gave offence to his teacher, only the voice of expostulation and of persuasion — he exercised, through the whole series of these transactions, no one act of authority without consulting and deliberating with his colleagues of the Faculty — he gave the admonition that the tribunals of the State would be resorted to, unless the outrages upon the property of the University should cease, only after advice to that effect from members of the Corporation.— He accompanied that admonition with the assurance that, if the disorders should cease, no further retributive notice of the past should be taken; he received with composure, and answered without manifestation of resentment, inquiries from Classes, by Committees, upon which less of forbearance would have argued no indiscretion: and, in his deportment to every individual concerned in these disorders, the Committee are bound in justice to declare, that they see nothing but a scrupulous regard to every right of every student under his jurisdiction, tempering a firm and inflexible adherence to the principles of justice, to the highest interests of the Institution over which he presides, and to the Laws of the University and of the land.

The principal, if not the only difficulty which the Committee of the Overseers foresee to the withdrawal of the prosecution before the municipal tribunal, arises from the obtrusion of the Senior Class upon this controversy, and the untenable pretensions of their circular. Not content with protesting against the prosecution, they distinctly assert in the same breath with which they disavow it, the claim to exemption from the criminal Law of the State. They say, that should any student injure the person or property of *any citizen*, so far from interfering, they should rejoice to see punishment inflicted upon him according to the Law. But, say they,

"the relation between the students and *the University* is very different from that which subsists between one citizen and another" —and here it is that they make their pathetic appeal to the parental relation which the Government of the University is said to bear towards the students, and bestow upon them their *filial* admonition and censure for the *rash and precipitate* step of authorizing a prosecution at Law.

The pretension that, with regard to the rights protective of person and property, there is any difference between the relations of the students to other citizens and to the University, is utterly unfounded, and cannot be submitted to for a moment. It is directly in the face of the College Law, Chap. 14, s. 12, in conformity to which the resolution of the Faculty was adopted. It finds no warrant in the civil or criminal Law of the State, nor has it a shadow of countenance in the moral or civil relation between the parent and child; for what is the nature of the argument? Why, that because a father has the right to chastise his child for misconduct, therefore he has no resort to the criminal Law of the State against him, if he should damage or destroy his property, or assault, beat and wound his person. The absurdity of this pretension is as signal, as its depravity is revolting.

Undoubtedly, if it were a supposable case, (and the deliberate composition and signature of this circular is the only circumstance that can warrant the supposition) if it were a supposable case, that the father of any member of the Senior Class who gave his sanction to that circular had a son, capable of assaulting and beating his father, or of wantonly breaking the windows and destroying the furniture of his house, and should do so—undoubtedly, the yearnings of the father's heart would be long and agonizing before he could bring himself to the resolution of appealing to the tribunals of his country for redress, against the unnatural wickedness of his own son. But his *right* to make such appeal, who shall question? And if, after suffering repeated instances of personal injury and property destroyed, he should give, to this worse than prodigal son, deliberate warning to cease his enormities, or that he would present him to the grand jury of the county, and after still repeated aggression, should take the step, then, according to the argument of the circular of the Senior Class, it would be a rash and precipitate step, because the father "ought certainly to use every means

in his power to avoid any step which tends, as this undoubtedly does, to the destruction of those feelings of kindness which should exist between" the father and his son.

It is time that all the students at Harvard University should distinctly understand, that they have no privilege of immunity for acts of violence and outrage against persons or property, even though belonging to the University. That if one portion of them will brutalize themselves by deeds fit only for the most debased of the human species, and if the other portion of them, to screen them from detection and punishment, will have neither eyes to see, nor ears to hear, nor a tongue to speak the truth, there are tribunals in the country, armed with powers, not only to repair the damages of property destroyed or purloined, but to compel the delivery of testimony, and to tear from their bosoms, upon the pains and penalties of perjury, the guilty secret of crimes committed by their associates. That the exemption from the grasp of these tribunals is an indulgence *always* within the discretion of the Government of the University to withdraw; and that if they claim, from the President and Instructers who superintend their education, the tenderness and the forbearance of parents towards their children, it must be upon the just and equitable condition, that *they* shall fashion their conduct towards those, their adopted parents, by the rules of subordination and of submission enjoined by the Laws of God and man upon the *dutiful* child.

Wide, far and wide from this disposition of heart and mind, with deep mortification the Committee of the Board of Overseers are constrained to acknowledge, is the spirit of the circular issued in the name of the Senior Class of Harvard University. Its most remarkable character, is that of a captious and invidious misrepresentation of the conduct of the President, upon the occasion of the licentious and violent recent excesses among the younger Classes of the students; but the harshness and injustice of its censures are not confined either to the occasion of the disturbances, or to the person of the President. It assumes throughout a tone of authority and correction, as of a superior towards an inferior. It deals out its censorial oracles upon the Government, with as little reserve as upon the President, and the Corporation is equally, though tacitly, involved in its charges of rashness and precipitation. As if conscious of the extreme futility of its objections to the measures

of the President, relating immediately to these disorders, it resorts to general, unspecified imputations of defective memory and natural impetuosity of character; of which the only exemplification that it gives is the *vehemently reading to the students of two other Classes, of a written paper.* They say, that perhaps the circumstances related by them were only the *immediate* occasion of the recent disturbances—that the causes have been long in operation—that the *manners* of the President, towards many of the students, have not been such as to conciliate their esteem or affection; and they insinuate, that many of the students whom he has not made his friends entertain doubts of his sincerity and integrity.

For nearly five and forty years, since President Quincy took, as a member of the then Senior Class of Harvard University, at the close of his career as a student, the highest honours of that Seminary, his life, his deportment, his manners may emphatically be said to have been exhibited in the presence of all his brethren. The life of no man of his cotemporaries has been more constantly under the eye of the public. It is not for this Committee to pronounce his panegyric—to many members of this Board, he was long, familiarly and intimately known, before any one member of the present Senior Class of Harvard University was born. He was known to their fathers—known to many of their grandsires, in multiplied relations of life, public and private. It was reserved for the circular of the Senior Class of Harvard University to convey, in doubting and ambiguous terms, an imputation upon his sincerity and integrity. The Committee of the Board of Overseers are unwilling to ascribe to the great majority of the members of the Class, base and dishonourable motives. They know with what unscrutinizing confidence associated men, even of good principles, of sound judgment, and of mature age, often give their assent to papers without examination, or exact knowledge of their contents. To the generality of the Class, therefore, who accepted this report of their Committee, no deep depravity is imputed, but the Committee of the Board of Overseers would betray their own trust from the Board, and the duty of the Board to the public, were they to refrain from declaring that they deem every individual member of the Class who gave, in any manner, his sanction or approbation to that circular, to be justly chargeable with great *want of discretion.*

The statement, made by the President to the Board of Overseers on the 31st of July, exhibits the proceedings of the Faculty upon the publication of that paper until the close of the collegiate term, and the distribution of the parts for performance at the ensuing Commencement. The circulars of the President and Faculty of the 4th and 9th of June preceding, presented a summary of the proceedings of the Government and Corporation relating to these disturbances until that time.

The result of these proceedings has been —

1. That one member of the Freshman Class has, with permission of the Faculty, and without mark of censure, voluntarily taken up his connexions.

2. That (with three exceptions) the whole Sophomore Class have been dismissed from the University ; and that the members of the Class will be readmissible upon a new examination, and certificates of good conduct, after the next Commencement.

3. That one member of the Junior Class has been dismissed, for not less than one year, for disorderly conduct at prayers, on the 29th of May.

4. That two Freshmen have been dismissed, for a term not less than six months, for disorderly conduct of the whole Class, on the same occasion, *in which they participated.*

5. That two other Freshmen have been dismissed, for a term not less than nine months, for disorderly conduct in the entry of the chapel at the time of the performance of prayers, and in disturbance of the public worship, on the 30th of May.

6. That two indictments have been found against three members of the Sophomore Class, at the Court of Common Pleas for the County of Middlesex — one against the three for a trespass — the other against one of the same three for an assault on the College watch in the night time. That these indictments are still pending, having been continued to the next term of the Court, on the 2d Monday of September next.

7. That two members of the Freshman Class have been dismissed — one, an unmatriculated student, for a year — the other, for five months, for disorderly noises at prayers on the 30th of June.

8. That seven members of the Senior Class have been dismissed, for an indefinite term, and thereby deprived of their de-

grees the present year ; and one has been admonished, and thus deprived of his part at Commencement, but not of his degree. Five of these Seniors having been concerned in preparing the circular of the Senior Class, and three of them active in promoting its acceptance by the Class.

The Committee of the Board of Overseers are of opinion, that all the collegiate penalties in this enumeration have been properly and judiciously applied. With regard to the indictments before the civil tribunal, they deem it unnecessary to express any opinion of the guilt or innocence of the individuals arraigned. It will be within the discretion of the Faculty, to consent that the prosecution should be withdrawn, in the event of the total cessation, henceforth, of all disorders among the remaining students of the University, and the return of all the Classes to the performance of their respective duties.

Of those duties there remains nothing further to be performed by the Senior Class, excepting the performance of the usual literary and oratorical exhibitions of Commencement day, and the reception of their baccalaureate degrees. That these duties will be cheerfully and honourably discharged, the Committee entertain a confident expectation ; nor would they permit themselves to harbour a doubt, but for instigations which have appeared anonymously, in some of the public journals, which, if proceeding from any of the individuals, who, by their folly, have forfeited their right to the honours of the University, may be considered only as indications of pertinacious consistency in wrong, but which, if proceeding, as some of them purport to have done, from other sources, can only serve to prove that a gross and glaring misapprehension of the reciprocal rights and duties resulting from the parental and filial relations, contracted and subsisting between the Instructers and the presiding Officers of the University and their pupils, is not confined to the Senior Class of our most ancient and most honoured literary Institution.

The Committee of the Board of Overseers will not believe that such a delusion can be permitted longer to exist, or receive countenance from the considerate minds of the elder portions of society, or from the well tempered affections of the paternal heart. They anticipate the return of the Senior Class of Harvard University to the performance of their duty. They anticipate

that this laudable example, as their last act, upon leaving the precincts of their Alma Mater, will be the signal of a like return of the Classes, hitherto their younger associates, but henceforth their successors. To the Senior Class is yet reserved the power of exhibiting the honourable example of return from transient error to generous and liberal submission. To the rest the opportunity is afforded, by redoubled application to their proper studies and by the cultivation of the temper truly suited to their condition, to make their own past indiscretions lessons for the attainment of future excellence. The Committee of the Board of Overseers specially approve the caution to the parents and guardians of the dismissed members of the Sophomore Class, not to encourage or advise them to apply for readmission, unless it be the unequivocal wish of the student himself, and his intention to conform himself to its Laws. If there be a youth, who, after all the admonitions he has received in the course of these transactions, not only from the Government of the University, but from the general tenor of the public sentiment upon his conduct, and from the anguish of his friends under the chastisement which it has drawn down upon him, can yet return to renew the promise which he has violated, of obedience to the Laws of the University, and then prepared to break windows, destroy furniture and assail the College watch with stones or to join unlicensed Class meetings and *vote* riotous disturbances to the worship of Almighty God — or to give his sanction and approbation to "written pamphlets studiously devised" — to slander the presiding officer and teachers, the nursing fathers elected by himself or his parents, to train him in the path of wisdom and virtue, if there be such a youth, Harvard University is not a suitable place for his abode. The mother of the lucid mind and spotless heart needs no such children — she discards them from her bosom forever.

The Committee of the Overseers have thought it a substantial fulfilment of the charge committed to them by the Board, to present their views in the form of this report, rather than in that of a direct address to the public. The report itself, should it meet the approbation of the Board, may, by publication, serve all the useful purposes of such an address. The Committee believe there is no error in the prevailing public opinion in relation to these unfortunate disturbances, so far as the proceedings of the

Government, and of the students as well as the Laws of the University, and of the State, for the preservation of the public peace have been understood.

As the result of their inquiries and of the views presented in this report, the Committee propose to the Board of Overseers the adoption of the following resolutions.

JOHN QUINCY ADAMS,
By Order of the Committee.

At a meeting of the Board of Overseers of Harvard University, held at the Council Chamber, August 25th, 1834.

Resolved, that the Students of Harvard University have no just or equitable claim to exemption from prosecution before the civil and criminal tribunals of the Commonwealth for trespasses upon property or against persons, whether belonging to the University or otherwise.

Resolved, that the proceedings of the President and Faculty of Harvard University on the occasion of the recent riots and disturbances among the students at that Seminary, meet with the entire approbation of this Board.

Resolved, that the Circular published in the name of the Senior Class of Harvard University relating to the recent riotous disturbances among the students at that Seminary is of a disorderly character, and entirely inconsistent with the station and duties of undergraduates at the University.

At a meeting of the Board of Overseers of Harvard University, holden at the Council Chamber in Boston on the 25th day of August, 1834, the above Report was read; after full deliberation the question of acceptance was taken separately on each resolution; and thereupon each was adopted unanimously.

Afterwards, the report having been accepted by the Board was ordered to be printed.

Attest, N. L. FROTHINGHAM, *Secretary pro tem.*

(A.)

HARVARD UNIVERSITY,

JUNE 4, 1834.

A SERIES of trespasses having been recently committed upon the buildings and property of this Seminary, of a most injurious and disgraceful character, accompanied by a succession of disturbances, extraordinary and without cause, or apology, it has been deemed the duty of the Faculty to communicate to the parents or guardians of each member of the Institution, the nature and course of these outrages;—the proceedings, which have already been adopted, and the reasons of those, which it is deemed indispensable for the safety and discipline of the Institution to pursue.

The exact course of events will be traced, in the order of their occurrence, and without comment. A simple statement of facts is all that is deemed necessary.

On the 19th of May last, the Instructer of the Freshman Class in Greek, reported to the President that one of that Class, when reciting to him, stopped and refused to recite farther; on being told by his Instructer that when "he directed any thing to be translated, he expected it would be done," the student replied, "I do not recognize your authority," shut his book and paid no attention to his recitation afterward. These expressions were used in presence of the reciting section.

The student having been sent for immediately by the President, and questioned, did not deny, in any material point, the statement of his Instructer. The President, after attempting to convince him

of the impropriety of such language, in his relation to the Instructer and the Institution, without success, thought it best to postpone any proceedings upon the subject, until opportunity should be given for any temporary excitement to subside. Accordingly he allowed a day to intervene. On the 21st of May, the President sent for him again. The student then said, that by the words which he used, he did not mean to deny the general authority of the Instructer to question him on his lessons; and that he thought the words he used were, "I do not acknowledge *such* authority," adding that he never would recognize the right of any man to say to him, that "*what he said must be done—must be done.*"—Being advised to see his Instructer, and make such apology or explanation as the circumstances of the case seemed to require; he refused, and said that he had determined to take up his connexions with the Seminary. This he had a right to do; being a man of full age; (nearly 23 years old.) Being advised against such a step, and persisting in it, he was told, it was then necessary for the President to call a meeting of the Faculty, and ascertain whether they would permit his connexions to be taken up without some College censure.

This was accordingly done. At the meeting of the Faculty, it was decided he should have leave to take up his connexions. It appearing that he had been advised against this step, and persisting in his intentions — the Faculty acceded. They were accordingly dissolved by himself, voluntarily, on the 21st of May.

On that night, (Wednesday) between the hours of ten and one, the room occupied by the Greek Instructer, above-mentioned, as a recitation room, was torn in pieces by some students, all its furniture broken, and every window dashed out. The windows of a room, occupied by the Steward of the College, were also destroyed, and those of a chamber, occupied by a Professor, were broken.

The morning and evening daily prayers were, on the next day, (Thursday) interrupted by scraping, whistling, groaning and other disgraceful noises, commencing in the Freshman Class, and seconded by the Sophomore; apparently, however, confined to a few in each.

On this night a watch was set for the protection of the College property. It was attacked with stones by several students. An

affray ensued. One of the assailants was recognized, and reported to the Faculty.

At the next morning and evening daily prayers (Friday) the disturbances were continued with renewed violence, by the explosion of crackers, and other modes of noisy annoyance.

On the same evening, about midnight, the Chapel bell was rung, (a cord having been attached to it,) accompanied by great noises in the yard, which had an obvious connexion with the room of the same student, who, the night before, had the affray with the watch.

The succeeding morning (Saturday) an inflammatory, written notice having been found on the advertising board of the University, just before morning prayers, calling a meeting of the Freshman Class to petition for the removal of an obnoxious officer, it was taken down; and the disturbances at prayers continuing, the Freshman Class were stopped after prayers by the President, and such a general address was made to them, as he thought would have a tendency to allay their excitement, by suitable explanations and remarks.

On the succeeding Monday (26th of May) the disturbances were renewed. The President deemed it his duty, and after consulting members of the Corporation, determined to warn the students of the Sophomore and Freshman Classes of the danger to which they were exposing themselves. For this purpose, and as a mode most likely to be effectual, he sent for *nine* members of the Freshman and *eight* of the Sophomore Class, and that there might be no misapprehension, read to them, deliberately, a paper of the following purport—

"That by the laws of the College, *it was made the duty of the Faculty*, and that he knew it was the determination of the members of the Corporation, to advise them if it should be thought necessary, to take such measures by legal process, civil or criminal, to punish or prevent such outrages as had been committed on the College property;—that by such proceedings every member of the Class, might be compelled if necessary, under oath, to declare what he knows of those outrages;—that it was the earnest wish of the President and of every member of the Government to prevent such a resort;—*that if these disturbances were put an end to, no prosecution should be instituted;*—that if such disturb-

ances and trespasses were continued or renewed, the Faculty would be compelled by their duty to pursue that course."

"The President then expressed his wish, to the young men, who had been thus sent for, that they would communicate the above to their Classmates—not in the character of a threat but as the performance of a duty, thus to give a friendly notice to induce well disposed young men to co-operate with the government, and to influence their Classmates to prevent farther outrages and disturbances."

The same disturbances were repeated the same evening, and one of the Freshman Class was detected in making them.

Faculty meetings were immediately held, and the student, who had been recognized as connected with the attack on the watch, was dismissed from the Seminary; and the student detected in making the disturbances at prayers had his term of probation closed; he not having been matriculated. Both of them had been permitted to be heard, before the decision of the Faculty took place.

A petition was now prepared, and signed by a majority of all the students, praying for the restoration of the unmatriculated student,—admitting his guilt, but asserting that others were equally, or even more guilty, and that it was unjust to *select* him.

This petition was presented, on the same day, by four members of the College, one from each Class. On the same evening, the whole Sophomore Class, (with three exceptions) absented themselves from prayers.

On the next morning and evening (Wednesday the 28th,) the Sophomore Class, (with the above exceptions) absented themselves again in a body from daily prayers.

On this evening, the Faculty again met, and, after long deliberation, the following vote was passed.

"Whereas, during the course of the last ten days, great disorders have occurred in the Sophomore Class, with repeated instances of indecent conduct, at daily worship, and other acts of insult and insubordination, indicating a state of excitement and disorder, wholly incompatible, with the honour of the College and useful instruction; and eventuating in a successive absenting themselves of the whole Class, (with three exceptions) from daily worship, thereupon

"Voted, That all the members of the Sophomore Class, (with the above exceptions,) be dismissed from the College and be ordered to leave Cambridge immediately after Commons; which, for that Class are to cease after breakfast."

This Vote, it was understood by the Faculty, was not to be communicated to the Sophomore Class, in case they came into prayers the next morning and behaved in an orderly manner.

The next morning (Thursday 29th) the Sophomore Class came into the Chapel, in a body, entering at the door, opposite to that at which they were accustomed to enter, and marching two and two, across the Chapel, took their seats, and as soon as the religious services commenced, began a series of offensive noises, groanings, firing of crackers, to such a degree that the President deemed it his duty to request the officiating Clergyman, to suspend the attempt to proceed with those services, and dismissed the meeting.

Immediately after this, the President communicated in succession to the several members of the Sophomore Class the Vote of the Faculty, dismissing them from College, and ordered them to quit Cambridge before 12 o'clock.

In the course of the forenoon, a series of disgraceful and riotous proceedings were had in the College yard for several hours. After which the Class went away.

On the evening preceding (Wednesday 28th,) the Faculty had also taken into consideration the petition of the several members of the four classes of undergraduates, and passed the following vote.

"At a meeting of the Faculty of Harvard University, 28th of May, 1834, the President laid before the Board the petition of sundry members of the four classes of undergraduates, requesting a reconsideration of the vote passed at the last meeting relative to * and thereupon after great consideration,

"Voted, That the President be requested to state to the Committee, charged with the above petition, that from a high respect for the individuals presenting that petition, and the importance of the subject, the Faculty have again taken into their consideration the subject matter of the closing of the said student's probation, and the consequent ceasing of his connexions with the University,

* The name of "the unmatriculated student" was here inserted.

and they find that by the laws of the College, whenever "a student, during the time of his probation, fails to manifest such a degree of disposition to good order, and obedience to the laws as shall be satisfactory to the Faculty, his connexions shall cease."

"They find also that, in this case, the said student did fail so to conduct himself to the satisfaction of the Faculty; having been proved to their satisfaction to have been guilty of the offence on account of which his probation was terminated. His guilt is admitted by the petition itself, and the ground upon which his restoration is asked, is that others are equally and even more guilty and have not, in like manner, been dismissed.

"The Faculty did not "select" *

from individuals proved to be equally guilty. On the contrary, he was *the only one* in relation to whom they had such satisfactory proof. And whenever similar proof shall exist against any other individuals, they will be dealt with, in like manner, as the laws and discipline of the University require.

"Upon the most mature deliberation and examination, the Faculty regret that it has become their duty under these circumstances, not to grant the request stated in said petition."

This vote was communicated to the three remaining Classes, by delivering about noon of the next day, (Thursday 29th,) a copy to each member of the Committee belonging to the respective Classes.

Each Class met, immediately after Commons. And in the course of the afternoon the windows of three recitation rooms in University Hall, as also those of the entry were broken, and the furniture of two of them destroyed.

On the same evening, the Freshman Class, with the exception of six or seven, came into prayers marching two and two, and took their seats on the Sophomore benches, and as soon as the religious services commenced, began the same noises as before. This Class were now for the first time joined by the Juniors, in which Class scraping with the feet and knocking on the benches occurred. Under all the annoyance, however, the religious exercises were performed.

* The name of "the unmatriculated student" was here inserted.

On the next day (Friday 30th,) another Meeting of the Faculty was held, and one of the Juniors having been reported for being concerned in the noises at prayers of the preceding evening, and admitting the fact, he was dismissed from the College for not less than one year.

On the previous evening, the Faculty had taken into consideration the combination to disobey the laws, in the majority of the Freshman Class, evidenced by their entering the Chapel in a body and taking their seats on the Sophomore benches, in an irregular manner, and decided to apply a law of the College, which directs that in these cases, the most culpable, when known should be selected.

On Friday morning, two Freshmen, both of whom admitted they had led the Class into the Hall,—one of whom also admitted, and the other of whom did not deny, that he had voted for the measure at the previous meeting of the Freshman Class, were deemed subjects most proper to be selected, for punishment, under all the circumstances; and accordingly both were dismissed from the Seminary for a term, not less than six months.

On Friday evening, while prayers were proceeding in the Chapel, with a very considerable degree of silence and quiet, the services were suddenly disturbed by a loud shout and clapping of hands and groaning in the North-lower entry of the Chapel, apparently made by persons running through it.

The Faculty having been immediately called together, after prayers, it was proved to their satisfaction that several students, two of whom were Freshmen, and who were identified, took their stand in front of the Chapel, as the bell was tolling for prayers, and were seen beckoning to other students as if desirous to collect them together. Only, however, one or two joined them. They waited in front of the Chapel until the bell had ceased tolling for prayers, and until time enough had elapsed for the religious services to have commenced, when the whole collection ran towards the lower North-entry of University Hall, and as soon as they entered, the noise and the clapping was heard, which had disturbed the prayers.

The two Freshmen who had been thus identified, being sent for by the Faculty, admitted all the facts above stated, and also

admitted that the noise was made while they were in the entry. They only denied they made it. On being told they were responsible for it as accessories, and would be punished as such unless they should show who did it; both declined doing this, and were both dismissed from the Seminary for a term not less than nine months.

This was communicated to them on the next day (Saturday 31st). On the succeeding Monday (June 2d) the Faculty met, and the law of the College, Chap. XIV. s. 12, was submitted to them for their consideration, and in reference to the trespasses and disturbances which had occurred; and in the following words, viz.

"12. In all cases of gross injuries or depredations upon the property of the University or others; or of gross trespasses or injuries done to persons or property within the precincts of the University, or charged upon any of its members; or whenever the nature and circumstances of the offence in the judgment of the Faculty require,—it shall be their duty to cause prosecution to be instituted before the established tribunals of the State, and the forms of proceeding to be pursued, which are usually applied to like crimes and misdemeanors when committed by other citizens, or residents, according to the laws of the Commonwealth."

Whereupon it was Voted, that in the opinion of the Faculty, the nature and circumstances of the trespasses and disturbances, existing in the University, require that a prosecution should be instituted before the tribunals of the State.

On the same day, the above proceedings of the Faculty were submitted to the President and Fellows of the College, who thereupon Voted, "That in aid of the proceedings to be instituted by the Faculty in conformity with the law, the President be authorized to employ such counsel as he should see fit."

On the same evening (2d of June) at a meeting of the Faculty it was Voted, "That the President be requested to employ counsel and take such measures, with their advice as he may deem expedient, to carry into effect the prosecution voted, at the last meeting."

Signed, by Order of the Faculty,

JOSIAH QUINCY, PRESIDENT.

(B.)

HARVARD UNIVERSITY,

JUNE 9, 1834.

In a Circular, addressed by the Faculty of this Institution, to the Parents and Guardians of the Students, on the 4th instant, it was stated that, with a few exceptions, the Sophomore Class had recently been dismissed from the College. The punishment of dismission is defined as follows, in the 14th Chapter, Section 7, of the Laws.

"7. Dismission is the separation of a Student from the University for an indefinite or for a limited time, at the discretion of the Faculty; and no dismissed Student shall be readmitted to the Class he left, or any other, without satisfactory testimonials of good conduct during his separation, and his appearing on examination to be well qualified for such readmission."

In the present case, the dismission was for a time, wholly, *indefinite*. In deciding, however, upon the time of each Student's return, and upon the terms of his readmission, the Faculty have deemed it their duty to consult the permanent interests of the Seminary, and the essential requisites of discipline. Though, on occasions of such unlawful combinations, there is always a great difference, in point of guilt among the offenders, yet it is also always a difference, obviously very difficult to ascertain, even in a general way; and to fix the proportions of guilt, with exactness, so as to apportion, adequately, the punishment justly due to each, is manifestly impracticable.

Even the best disposed of those who may have engaged in such combinations, can have had no cause, or motive which will reduce his offence below the punishment provided by the laws of the College, for a misdemeanor. And although there must, in such cases, always be many who might be justly entitled to a higher degree of punishment, yet, where no satisfactory principle of discrimination can be found, the most unexceptionable rule to be adopted, seems in respect of the degree of punishment, to be that, to which even the least guilty are obnoxious,—and also in respect of the nature of punishment, it should be strictly Academical; thereby to enable the Faculty on reexamination of the Student for admission, to make those distinctions as to the time and terms of readmission, as the actual evidence given at such examination of attention and study during absence may warrant, or as the evidence then possessed by the Faculty of each individual's participation in the principal offences may require.

Under these general views, which it is believed the Parents and Guardians of the dismissed Students cannot fail to appreciate and approve, the Faculty have determined that they will receive application for the admission of any dismissed Student on or after the Saturday preceding Commencement next—and not before.

Each Student may then present his application, in writing to the President. The case of each individual will be considered separately. On his application, he will be informed of the time fixed, for his examination;—the examination of each Student will comprise the entire Greek and Latin of the Sophomore year, except Cicero's Brutus, in which the Class have been already examined by a Committee of the Overseers; and he will also be required to present *three* written exercises of the usual length, in each language. He will be also examined in the whole of Whateley's Logic.

The examination in Mathematics will comprise the first part of the Mechanics, as far as to the subject of Dynamics, the rest of the Mathematics being excepted because the Class has been examined in it by a Committee of the Overseers.

The examination in the Modern Languages will extend to the whole studies of their respective sections during the student's absence.

The requisition of the Law, that the Student should appear on examination to be well qualified for readmission, will be observed.

It is recommended to Parents and Guardians not to encourage or advise a student to apply for readmission, unless they are well satisfied that it is his own wish to rejoin the College, and his intention to conform to its Laws.

Students of the Class who were not dismissed, may apply to the President, and receive his directions concerning the course they are to pursue.

Signed, by Order of the Faculty,

JOSIAH QUINCY, PRESIDENT.

(C.)

CIRCULAR.

THE Senior Class of Harvard University has taken no part in the disturbances which have recently prevailed in the College; but the President of the Institution having thought proper to publish a Circular, which contains a statement not believed by the students generally to be full and correct, and which they think is calculated to make a false impression on the public mind, a meeting of the Class was held on Saturday, the 7th of June, and a committee was appointed to inquire into the causes of the present difficulties, and to state those facts which are not contained in the President's Circular. This committee made the following report, which has been accepted nearly unanimously, and ordered to be published in the name of the SENIOR CLASS OF HARVARD UNIVERSITY.

At the beginning of the present academical year, Mr. Dunkin was appointed by the Faculty Instructer of Greek. So far as scholarship is concerned, Mr. Dunkin, we are informed, is well qualified for his office; but, from his extreme youth and inexperience, or perhaps from some other cause, he has never been able to command the respect of his Classes. Of this fact there is sufficient evidence in repeated instances, where they have shown such a disregard for his authority, as could have proceeded only from some deficiency or fault on the side of the Instructer. Thus much we deem it necessary to state, in order to a proper understanding of the immediate occasion of the disturbances that ensued. On the 19th of May last, a member of the Freshman Class was re-

citing to this Instructer, when some difficulty arose between them, which may be best understood from the following account given in a letter, from the student himself, written before any disturbance had taken place in the College. We cannot question the truth of his statement, since he is a gentleman of undoubted veracity. The account of all that occurred in the recitation room is confirmed by the students of his own section.

" That part of the recitation at which Mr. Dunkin took exception, was a long list of proper names. I began reciting them, as I thought, correctly ; he objected, and asked me some questions about the cases of the different words ; I replied, as I thought, right, and proceeded again to translate. He again objected ; I then turned over the leaf, and seeing there were a good many more of them, told him I did not care to recite them. This evidently made Mr. Dunkin very angry, and he replied, " but if I say so, you will." I *then* told him I could not acknowledge any such authority in him. This he reported to the President ; I was called up, and made this same statement to the President. After some considerable conversation, he dismissed me ; he however sent for me again immediately, and was disposed to have the matter settled amicably. I must remark here, that when I first called on him, he insisted on my making an apology to Mr. Dunkin, and that I peremptorily refused ; on calling the second time, he did not so much insist, but strongly advised it ; but he said in conclusion, he felt (in consideration of my previous conduct) disposed to let the matter drop, and not mention it to the Faculty, provided he heard of no more such conduct. I told him, I would go to Mr. Dunkin's recitation, and behave as I had done heretofore, if I saw no change in Mr. Dunkin's conduct towards me. I went accordingly the next morning, with the firm conviction that the whole affair would be readily forgotten. I however was not called upon to recite ; I thought nothing of this, as it was not a thing of rare occurrence, and went to my room as usual. In the evening I was sent for by the President, but was not in my room, and did not know of it until the next morning (Wednesday.) I went to his study immediately after prayers in the morning. When I entered, he said he " wished to have this affair settled." I told him I thought it had been already settled ; he said, No, Mr. Dun-

kin considered me as one who did not acknowledge his authority, and could not look upon me in the light of a student. I then for the second time explicitly told him, I had not refused to recognize Mr. Dunkin's authority as Tutor; that the authority I refused to acknowledge was that of *obliging* me to recite. He said Mr. Dunkin considered that I had refused to recognize his authority in the abstract; I told him if Mr. Dunkin did think so, he wilfully misunderstood me, and I should not take the trouble to set him right. We afterwards had more conversation on the subject, he still insisting on my unsaying what I had said to Mr. Dunkin, which I as strenuously refused. When, seeing no probability of a compromise, I told him that rather than any more disturbance should ensue, and rather than stay and be quoted as a precedent for those of the Class, who might be disposed to disobey Mr. Dunkin, unpleasant as was the alternative, I would leave. I stated to him also, that, as we had agreed the morning before, I had gone to Mr. Dunkin's recitation, and that he had not noticed me. He said Mr. Dunkin acted perfectly correctly, and did it intentionally. *Then* I told him I would not trouble his recitation again, but would ask permission to take up my connexion with the institution. He said he would call a meeting of the Faculty and send for me. I told him I had nothing more to say than I had said to him and he had written down, and I did not wish to go before the Faculty, if it could be avoided. He said it was optional whether I came or not, but he would probably send for me. We then parted. When I called again, this morning, he had two statements materially different, which he said he had written as I dictated. The first I told him at the time was wrong, the second he did not read to me; but when I objected to the first, and told him some of the statements were wrong, he said that was the way I had stated it to him first, and that the second statement, as it is in this paper, was made afterwards (on Wednesday morning.) I feel confident my statements did not differ, as I spoke them to him, materially, in a single point. I was particular, because an investigation would, in all probability, be made into the affair by the Faculty."

He did not know, nor was he informed, that he had a right to appeal to the Faculty, but only had the alternative of making an

apology or leaving. Why the Instructer should have been so eager to assert his dignity and authority in this particular case, while he neglected to report to the Faculty many instances of gross disrespect, we are not able to state.

As soon as the circumstances of this affair were known, the classmates of this student manifested the greatest indignation, and although he earnestly requested them to make no disturbance, yet some of their number were so exasperated, as to show their displeasure by breaking the windows and destroying the furniture in the recitation room of the obnoxious officer. For several successive days there were, as is usual on all occasions of discontents, interruptions to the morning and evening prayers. In the meanwhile a petition from the Sophomore Class, praying to be relieved from writing Greek — an exercise which has never been required till the present year, and which they considered as too great an exaction — had been rejected, or was understood to be rejected, by the Faculty. The two lower Classes, therefore, though from different motives, joined in these disturbances.

On the morning of Saturday, the 24th of May, the President stopped the Freshman Class after prayers, and in the course of some remarks, declared to them, *that no further notice would be taken of the disorders which had already occurred, unless they were continued.* On that evening and the following day (Sunday) no disturbances took place; and on the morning of Monday (May 26th,) prayers were *not* interrupted, as is stated in the President's Circular. There is every reason to believe that all difficulties would have been at an end, had not the President called up several members of the Sophomore and Freshman Classes of high standing, both as regards scholarship and conduct, and told them that if these disturbances were repeated, it was the determination of the members of the Corporation to advise the Faculty, "to take such measures by legal process, civil or criminal, to punish or prevent such outrages as had been committed upon the College property," &c. The President says that he made this communication, not as a "*threat*," but as a "*friendly notice.*" It is true that he read to these individuals the paper inserted in the Circular, but the manner in which he delivered it was extremely violent,

calculated to irritate their feelings and to leave on their minds the impression that it was a threat and not a warning.

We cannot but think that the renewal of the disturbances was owing to a want of discretion on the part of the President; for by this step, taken at a time when order had been restored, the whole College was exasperated. We then protested and we still protest against the measure, then threatened, and now put into execution, of bringing the matter before the civil tribunals of the State. By the laws of the University (Ch. viii. § 2.) it is provided: "If the perpetrator be not discovered, damage, when done to any inhabited room or study, shall be made good by the occupants; when done to an entry, by an equal assessment upon those inhabiting the entry; when done to any public seat, table, or room, by an equal assessment upon those who occupy such seat, table, or room; and *when any other property belonging to the University is damaged, or destroyed, or purloined, it shall be made good by all the students who were in town at the time.*" So that the measure above mentioned is not necessary in order to recover damages. Should it be said, that an assessment upon all the students for depredations committed by a part of their body, would be unjust, we reply that besides this being the law of the University, there is no one of us who would not choose to pay such an assessment, rather than permit any of our number to suffer the disgrace of a public prosecution.* This disgrace to the young men, subjected to such a course, is immeasurably out of proportion to the offence committed, and it extends, moreover, to their parents and to the University. The depredations were committed in a moment of great excitement; and though we declare our most decided disapprobation of any such proceedings, yet when we consider the feelings of the perpetrators, and that the mode which they took of expressing their displeasure at treatment, which they esteemed

* From information, obtained from the Steward of the University, we are able to state that the highest amount of damages is estimated at $300; and this divided among 210 students, gives $1,43 for the assessment on each individual. Within the last two or three years there have been larger charges for special repairs upon the term bills. *The greater part* of the above damages were incurred on Thursday, the 29th of May, three days after the President had communicated to certain members of the Sophomore and Freshman Classes the notice that "legal process would be instituted," &c.

unjust, was the one usual in such cases, we cannot but feel in the highest degree indignant that resort should be had to measures so exceedingly severe. Besides, in the present case, those concerned in the outrages could have been discovered through means provided by the College Laws. Had the President required from each member of the Classes in question to inform what he knew of the injuries committed, they would have been obliged to declare who were guilty, or, according to one of the laws, would have been subject to punishment for an high offence. (Ch. xv. § 3.) "Refusing to give testimony in any case when requested by the Faculty or a committee thereof; or falsifying therein [is an high offence.] In all cases of an attempt to screen individuals, who have committed acts of disorder or violence, by withholding evidence, the Faculty may select for punishment any, who, by withholding evidence and screening the guilty, shall thus appear to the satisfaction of the Faculty to be actors in, or abettors of, the crime." Had such a course been adopted towards the members of these two Classes, we are confident that their sense of honor would have induced the guilty to surrender themselves to College punishment, rather than permit the rest to suffer on their account; but when threatened with a criminal prosecution, many, of course, would make no confession that might criminate themselves. No milder means, that have come to our knowledge, were tried for the discovery of the perpetrators, and resort was had at the very first to a law which has seldom or never been carried into effect. Indeed, the President said to several members of the Freshman Class, that he had evidence amply sufficient against three or four students who were engaged in the late depredations on the College property. Why legal process was instituted, when these three or four offenders were known, we have not been able to ascertain.

We by no means claim an exemption from the laws of the Commonwealth, and should any student injure the person or property of any citizen, so far from interfering, we should rejoice to see punishment inflicted upon him according to the law. But the relation between the students and the University is very different from that which subsists between one citizen and another. The government of the College is said to be towards us "*in loco pa-*

rentis," and ought certainly to use every means in its power to avoid any step, which tends, as this undoubtedly does, to the destruction of those feelings of kindness, which should exist between students and their instructers. Therefore we think that a regard for the feelings both of the students and their parents, and a regard for the honour and interests of the Institution, should have prevented the Faculty from taking a step so rash and precipitate.

On the evening of Monday, May 26th, the day on which certain members aforementioned of the Sophomore and Freshman Classes were called up by the President, the disturbances were renewed by those Classes. Immediately after, a meeting of the Faculty was held and one of the Freshmen, said to have been detected in scraping at prayers, was called up before them. The President then said to him; "Mr. —— do you acknowledge or deny the charge of making violent disturbances at prayers?" "I deny it." "There is one of the Faculty who is willing to *swear* that he saw you scrape with your feet at prayers, *one evening last week.*" The student then said; "Sir, if one of the members of the Faculty is willing to *swear* that he saw me make disturbances at prayers, I think it probable that it is true, but *I do not recollect the circumstance to which he alludes.*" The President told him to go to his room and stay there till sent for. When he returned the President read to him some of the laws, and said: "Having violated these laws, your connexions with the College cease from this time, and you have nothing more to do with the College buildings and appurtenances." These, as nearly as recollected by the student, are the words that passed, certainly the substance of what was said; from which Mr. —— himself understood that he should never have permission to return, and such too was the impression of the students generally.

It will be perceived from this statement, that this student was accused of having made disturbances on the *week preceding* Monday the 26th; and the statement in the President's Circular, which says, that "the same disturbances were repeated the same evening (Monday), and one of the Freshmen was detected in making them," is incorrect; and we have found from positive testimony, that on that evening the student in question did not make any disturbance whatsoever in prayers.

When the circumstances of his dismissal were known throughout College, a meeting of the four Classes was held, and a petition for the recall of this Freshman, signed by nearly two hundred students, was presented to the Faculty. After two days' consideration, during which there was no disturbance, unless the absence of the Sophomore Class from prayers may be so considered, the petition was rejected. On the morning of the 29th, the Sophomores came into prayers in a body, and, in consequence of the disturbances, which they made, the services were not performed. After commons the whole Sophomore Class, with three exceptions, was dismissed. In the afternoon, meetings of the other three Classes were held, separately, to receive the answer of the Faculty to the petition, presented two days before. Much indignation was expressed when the result was communicated. The general impression was, that the Freshman was dismissed without the possibility of returning, which, he being unmatriculated, was contrary to the laws; and another committee from the Senior Class was appointed to obtain from the President explicit information on this point. When it was ascertained that the student could return, the Senior Class was satisfied. The Junior and Freshman Classes, however, passed resolutions to make disturbances at prayers that evening.

The reasons for the general belief that Mr. —— was "*selected*" by the Faculty and punished for an offence which he had committed in common with his Class, are these: —

He had attended none of the late Class-meetings, and had not participated, in the slightest degree, in any of the depredations which had been committed on the College property. — The President informed him, and the committee, which carried up the petition, that "one of the *Faculty* was ready to *swear* that he saw him scrape at prayers;" now this student was so situated in the chapel as to have rendered it very difficult for any one of the Faculty to have seen him making any such disturbance. This circumstance seemed very strange, and we are not able to explain it. Before his admission to College, the President, among other observations, used words to this effect: "Mr. —— there is something about your air, which makes me think you will not have much respect for the Faculty; now all the Faculty, except myself, have to work for their living, and perhaps they might not like

your manners." He also cautioned him, though from the South, against the company of Southerners. It is not strange, then, that it should be thought from these circumstances that there existed a prejudice against this individual.

We understand that the President has publicly denied ever having declared to Southerners that he did not wish any of them in the College, or advised them to go somewhere else; but, on investigation, we find that there are many, who are willing to testify on oath, when it shall be required, that he has used such language towards them. Such observations may be forgotten by those who make them, but they are not soon or easily effaced from the memory of those to whom they are addressed.

At evening prayers of this day (Thursday, May 29th) the Juniors and Freshmen, according to their vote, made a disturbance. One of the Juniors, being detected, was dismissed for not less than a year. A meeting of his Class was immediately held, and it was voted, "to wear crape on the left arm for three weeks, to publish an article in the papers in relation to the conduct of the President, and to burn him in effigy."

It is stated in the President's Circular, that on Friday morning, two Freshmen, "both of whom admitted they had *led* the Class into the hall," &c. From this, one would naturally suppose that these individuals were the leaders of their Class in this affair; but the truth is, that they had no leader, and had voted to walk in, as much as possible, in a body, so that no one might be singled out for punishment, and it was by mere accident that these two individuals entered the chapel first. If they were dismissed justly, the whole Class ought to have been dismissed.

After a careful investigation of facts, we are of opinion that the late disturbances in the University have not been altogether "without cause or apology," as stated in the President's Circular; and although we declare our decided disapprobation of all the depredations and outrages which have been committed, yet we must say, they were not without provocation, and that the fault lies by no means upon the students *alone*.

Perhaps the circumstances which we have related, have been only the immediate occasion of the recent disturbances. The causes have been long in operation. Besides the local prejudices,

to which we have above alluded, the manners of President Quincy toward many of the students have not been such as to conciliate their esteem or affection. His defective memory, and the natural impetuosity of his character, often give him the appearance of acting in an arbitrary and capricious manner; and though his friends allow his sincerity and integrity, yet it cannot be wondered at that many of the students, whom he has not made his friends, should entertain a different opinion.

In relating these circumstances we have endeavoured to be as impartial as possible, and have stated no fact for the truth of which we have not obtained positive evidence.

June 11*th*, 1834.

(D.)

STATEMENT.

HARVARD UNIVERSITY,

JULY 31, 1834.

The President of Harvard University respectfully submits to the Board of Overseers, of that Seminary, the following statement of facts, relative to the late disturbances in the University, with the general course of proceedings adopted by the Faculty of the College, touching those disturbances, and the present relations of the University, in respect of those facts and proceedings.

This he does, in conformity with the wishes expressed, at the last meeting of the Board, by some of its members, and also with the wishes, apparently, entertained by the Board itself, as indicated by its adjournment for this purpose, to the present day.

In doing this, however, he desires that it may be distinctly understood that this statement and all views expressed in it, are acts done on his own responsibility, as a member of this Board, and having no authority, in this respect, from either of the Boards, at which, by his official station, he is called to preside.

As to those facts and proceedings, which occurred antecedent to the 4th of June last, they have already been communicated to every member of the Board of Overseers, in a printed statement of that date, prepared for and sent to the parents and guardians of the undergraduates, and which was also transmitted to each member of this Board. To that printed statement, the President asks

leave to refer, and to make a part of the present communication.* Immediately after that statement had been printed and distributed, the Faculty of the College caused to be prepared and sent to the parents and guardians of the dismissed students of the Sophomore Class, a circular, specifying the principles on which that dismission had taken place, and by which the readmission of those students would be regulated; a printed copy of which dated 9th of June last is hereto annexed.† This also the President asks leave to make part of this statement.

During the succeeding part of the week, between the 4th and 7th of June, the determination of the Faculty to resort to the Courts of Law, being then known to the students, and also that steps, for that purpose, had been taken, new indications of an excited state of feeling, appeared among them, particularly among members of the Junior Class. None of those indications, so far as was, at that time, known to the Faculty, were of a character to render any special action or animadversion of that body, requisite.

On the seventh of June, (Saturday) it was deemed proper, to prohibit any member of the Seminary from visiting Concord during the then ensuing week, unless summoned there, or specially licensed by the President; that being the week, on which the Court of Common Pleas was to be holden, at which the prosecutions had been instituted. A vote to this effect was accordingly passed by the Faculty, and communicated to the students on the ensuing Monday by the President.

In the course of that week, two indictments were found against three individuals, members of the Sophomore Class; one indictment against the three for a trespass; the other indictment against one of the same three individuals, for an assault on the College watch, in the night time.

After which, all proceedings upon the indictments were continued to the next meeting of the Court, on the second Monday in September next, according to the usual course in such cases, by the order of the Court; without any interference on the part of the Faculty.

On the 7th of June, (Saturday) the President, having been informed that a meeting of the Senior Class had been holden, without

* See document A. annexed. † See document B. annexed.

license from him, and a Committee appointed to make report to that Class, on the subject of the recent disturbances in the University, immediately called a meeting of the Faculty, at which a vote was passed, requesting the President to read the law on the subject of Class meetings to the students, and to notify to them that its provisions would be strictly enforced.

This proceeding was had and this notice given on the succeeding Monday, (9th of June.) On the next day (Tuesday 10th of June) a petition from several members of the Senior Class, calling themselves a Committee of that Class, was presented to the Faculty, asking leave to hold a Class meeting for the purpose of presenting a report to that Class, relative to the late disturbances, and pledging themselves that nothing should be done, at that meeting, contrary to the Laws of the University.

The Faculty in terms, indicating a confidence, in the intentions of that Class, "from considerations of a general nature, in their judgment, very serious and impressive, declined acceding to the request of this Committee."

On the 18th of June, a publication, which, in the course of the preceding week had been made, purporting to be the act of the Senior Class, was laid before the Faculty by one of the members of the Board, and a Committee was thereupon raised to make themselves acquainted with that publication, and to consider, whether any and what action, if any, should be had thereon by the Faculty.

On the 23d of June, that Committee reported that an investigation ought to be made relative to that publication, which report, after debate on that day, was postponed until the 24th, when after a further debate, it was voted, that the nature of the Seniors' Circular and the circumstances, under which it was issued, required the action of the Board. At this meeting, the Board taking into consideration the excited state of the College, in relation to its proceedings, voted, that an injunction of secrecy should be considered as a rule adopted in relation to its proceedings on the Seniors' Circular, until removed by the Board.

On the 25th of June, the Board voted that an investigation into the Seniors' Circular should be instituted, and a Committee was appointed to take into consideration and report the questions which should be proposed to the members of the Senior Class on that subject.

On the 27th of June, that Committee reported the questions to be proposed to the members of that Class, having for their object to ascertain the part each took in that publication, in respect of preparing, writing, publishing, signing, or procuring its acceptance by the Class; and also the view each then entertained, relating to the propriety of that publication.

On the 30th of June, the questions reported by the Committee were proposed to each member of the Class, then in Cambridge; after which the minutes taken of their respective answers, on this examination, was referred to a Committee of the Board, to consider what farther proceedings ought to be had.

On the same evening, the officiating clergyman, at evening prayers, reported to the Board that offensive noises had been made, that evening, at prayers, by members of the Freshman Class. The Faculty immediately proceeded to examine every member of that Class, individually, on the subject.

On the 1st of July, the examination was finished, and two students were separated from the College, in consequence of their participation in those disturbances; one, *for a year*, he being an unmatriculated student; the other, *for five months*.

On the 2d of July, the Committee appointed to examine and compare the minutes taken at the inquiry made of the members of the Senior Class, relative to their Circular, reported that *five* Seniors were concerned in preparing the Circular;—that *three* other Seniors had been active in promoting its acceptance by the Class;—that *twenty-eight* were only approvers of it;—that *fourteen* took no part in it;—and that *two*, who were absent, had not been examined, nor whether they had any concern in it, ascertained.

For each individual of the two first portions, the Committee recommended some specific punishment, adjusted to the relative criminality of each; regarding the case of one individual as clearly distinguishable from the rest, and perhaps admitting exemption from punishment. With respect to the third portion, the Committee recommended that the consideration of the course to be pursued with them, should be postponed until the discipline thought proper to be administered to the others should be applied.

This report having been accepted, the question concerning the punishment to be inflicted on the eight Seniors, came under con-

sideration on the 4th of July, and after debate, it was postponed to the 7th of July, when it was voted, that the eight Seniors, included in the two first portions, should be sent for, and charged with a moral and academic offence, in writing, or publishing, or inducing others to sign a publication, charging the Government of the University with acting rashly and unjustly, in the execution of the Laws; and involving the principle that undergraduates, responsible to the Laws, may appeal to the public against their administration of them:—and that they should each be informed that they had liberty to make any remarks, by way of exculpation or defence.

The preceding vote was carried into execution, on the 9th of July; and on the 10th, whatever each individual had said, either in exculpation or defence, having been considered, it was voted, as it respects *seven* of the *eight* Seniors, that they should be dismissed from the College for an indefinite term; and prohibited from appearing in the town of Cambridge, or having any connexion with it, until after the first day of September next. With respect to the *eighth* Senior, it was voted, that he should be publicly admonished; the effect of which was to deprive him of his part at the ensuing Commencement, but not of his degree.

After this, the Faculty proceeded to assign parts for Commencement, on the usual principles to the remaining members of the Senior Class. But in consideration of the tendency to excitement, existing in the College, and if possible to save the students from the effects of their own passions and sympathies, it was deemed highly expedient for the interest of the College, and accordingly voted, that neither the punishments nor the parts should be communicated until after the vacation, then about to ensue, had commenced; and that then, both should be communicated by an official letter from the President. It was also deemed expedient that both should be done cotemporaneously, and that the injunction of secrecy should not be removed until such communication had been made. Votes to such effect were passed. The vacation commenced on Wednesday, the 16th of July. On the evening of the 17th, the punishments were communicated to the eight students, and the parts distributed to those to whom they had been assigned, in conformity with the votes of the Board.

The principle of discrimination, adopted by the Faculty, in respect of the punishments inflicted on the principal offenders, and remitted as to the remainder of the Senior Class, had its sanction in the 15th Chapter of the Laws of the University, relative to undergraduates; and which is in the following terms — "In cases of combination to resist, or disobey the Faculty or the Laws of the University, if so many be actors, or abettors, as to render it inexpedient to punish all concerned, the Faculty will select for punishment as many of the offenders as they may judge necessary to serve the end of punishment; and those who have been most culpable, when known, shall be selected for punishment."

The above is believed to be an exact statement of all the material facts relative to the recent disturbances in the University, so far as they have come under the cognizance of the Faculty, and also of the general course of proceedings adopted by that body touching those disturbances.

With respect to the present relations of the University, in respect of those facts and proceedings, they are as follows:—

The dismissed members of the Sophomore Class, will be examined for readmission upon their application, on, or after the Saturday preceding Commencement, according to the principles stated in the Circular to the parents or guardians of those dismissed Sophomores, dated the 9th of June last.

Seven Seniors have been dismissed for an indefinite term, and thereby deprived of their Degrees, the present year, for their concern in the publication called the Seniors' Circular; and *one* has been admonished and thus deprived of his part at Commencement, though not of his Degree, for his participation in that publication.

All which is respectfully submitted by

JOSIAH QUINCY,

President of Harvard University.

A

REPORT

OF THE EVIDENCE IN THE CASE,

JOHN ATKINS, APPELLANT, *vs.*

CALVIN SANGER, & *al.* EXECUTORS,

RELATIVE TO THE WILL OF THE LATE

MRS. BADGER, OF NATICK;

WHICH WAS DISALLOWED BEFORE THE SUPREME COURT OF PROBATE,

AT THE OCTOBER TERM, 1822.

ALSO,

THE AFFIDAVIT OF THE APPELLANT,

CONTAINING FACTS WITHIN HIS OWN KNOWLEDGE;

TOGETHER WITH HIS STATEMENT OF OTHER FACTS, WHICH

HE WILL PROVE WHEN NECESSARY.

THE WHOLE PUBLISHED IN CONSEQUENCE OF THE LATE PUBLICATION

OF THE AFFIDAVITS OF THE APPELLEES, AND THE

WIVES OF TWO OF THEM.

BY THE APPELLANT.

DEDHAM:

PRINTED BY H. & W. H. MANN.

ERRATA.

Page 78. For "Note E. see page 29," Read Note E. see page 21.
54. "Dr. Thayer," Dr. Hagar.
70. "feel," keep.
21. "have," love.
32. Erase the period after "signed," and insert it after "o'clock." (line 9.)
34. For "his property," read her property, (line 1.)
34. "there" Read then, (line 13.)
35. Before "an invitation," Erase "te" (line 10.)
42. For "as going," read, is going. (line 29.)
75. For words of that import," Read something to that effect.

PREFACE.

Some weeks have now elapsed since there issued from the press, what is called "A statement of facts, relative to the last will of the late Mrs. Badger of Natick, which was disallowed on the final hearing; by the principal legatees."

It is not probable that *this* publication or *that*, will excite much interest beyond a very limited circle; and it may perhaps be doubted by some, whether the prevailing party is under any necessity to make a counter statement of his own, or even to publish the evidence given at the trial. On mature deliberation however, he feels himself called upon to do both. He would gladly have avoided this course; but a regard to his own character, and that of his family, has rendered it proper to defend himself and them, by exposing the conduct of those by whom they have been assailed.

The affidavits of themselves and wives, which the Principal Legatees have published, contain many misstatements which were most industriously propagated during the pendency of the trial and afterwards; and though the number engaged was necessarily small, "the thousand tongues of calumny" could have done no more. It was this conduct on their part, which induced the appellant, soon after the trial, and before it was known that the will in his favor would be also contested, to prepare for publication the evidence adduced in the Supreme Court of Probate. He had however become tired of contention, and was easily persuaded to abandon his design, from the consideration that such a step was not necessary to shield him from the attack of disabled enemies.

But after it has been put on record, that the will of Mrs. Badger in question, "*was procured and obtained from her by undue influence and persuasions, and by false representations of the character and conduct of the said* JOHN ATKINS," two of the principal legatees with their wives, have the assurance to "*repose on their character for* VERACITY," and think by their own statements to efface the deep and decided impression which the evidence made. Whatever evil consequences may flow from these publications, the appellant will have the consolation of reflecting that the cause did not originate with him.

The principal legatees affect to have expected from the appellant a publication of the trial in the Probate Court, as well as on the appeal; and they have the hardihood to insinuate that the difference in the testimony of the same witnesses at the two trials was so great, that such publications would have been equivalent to their own statement. The evidence in the Probate Court was very imperfect, as that trial was not expected by either party to be final; and the important evidence which consisted of the confessions of Dr. Thayer, was excluded by the Judge as inadmissible. All *important* differences in the testimony of any of the witnesses must be presumed to have been noticed by the vigilant and learned counsel for the appellees, who attended both trials, and to have been proved on the trial which is now published, in order to destroy the effect which the testimony would otherwise have. It is the right of the appellant, therefore, to say that all important discrepancies will appear without publishing the trial before the Judge of Probate. If the opposite party think proper, they can publish it themselves.

To some who are unacquainted with the life and character of Mrs. Biglow, the affidavit and statement of the appellant, may be some corroboration of her testimony. With all others, it is believed the facts which appeared on the trial, particularly the confessions of Dr. Thayer, will insure her the fullest credit. Dr. Thayer admits substantially, that he made the confessions as testified to; and the pitiful pre-

tence that they were made in sport, deserves no notice. If one were to judge from the malignity of the attack on Mrs. Biglow, he would indeed suppose, that she was a confederate, and had "turned states evidence:" for it is well known, that men in that situation, receive no mercy from their accomplices.

It ought to be stated as an argument against Mr. Noyes, at least, that Mrs. Biglow was an *acceptable* member of his Church for many years, and remained so till she, with many others, voluntarily withdrew her connexion.

Though it is intended that most of the few remarks, which will be made on these publications, shall be inserted in the form of notes, it is thought proper in this place, to notice one or two extracts.

Mr. Noyes, in his affidavit, (page 22) says, "I have repeatedly heard Mrs. Badger say, Fanny's conduct was "such, the latter part of the time she lived with her, that "she lost all confidence in her." And Mrs. Noyes, says, in her affidavit, (p. 36) "I have repeatedly heard Mrs. Badger "say, that Fanny's conduct was such, the latter part of the "time she lived with her, that she lost all confidence in her, "and it had given her a great deal of uneasiness."

These extracts, *expressed almost in the same words*, are selected as a specimen to increase, (if any thing can do it,) the improbability that "each of the deponents prepared their own narrative, without concert with the others," as is stated in the preface to their book.

But the extracts were probably intended to have an allusion, which Col. Sanger should have been the last man to publish: and it is not on his account that any forbearance is used on this point.

It is true, that in 1819, in consequence of some tales, which were told Mrs. Badger, against Mrs. Biglow, there was a coldness for a short time. Mrs. Badger acquitted the Atkin's family, and Mrs. Sanger, of making the difficulty, but said she would not acquit any one else. (Col. Sanger was not, and is not suspected.) Excepting this, they were always on good terms. In the first will that Mrs.

Badger ever made, which was soon after Mrs Biglow's marriage, she gave her four or five hundred dollars; and one of her children was, at her request, called SARAH GRIFFIN, which was Mrs. Badger's maiden name, and she gave the child an elegant suit, in which to be baptized.

It would not have been thought proper to mention facts so unimportant in themselves, if the principal legatees had not found it necessary to make the main attack on Mrs. Biglow. The importance of her testimony, and the great influence it had in the trial, rendered her overthrow necessary to that of the appellant; and she has therefore been accused of various crimes, from perjury to poverty.

Mrs. Biglow married into one of the most respectable families in that vicinity, and Mrs. Badger always gave her the rank to which that situation, as well as her own conduct, entitled her in the community. But Mrs. Sanger's affidavit, represents her as Mrs. Badger's washwoman! and as having need of "old clothes" to cover her children! and Mr. Noyes so far gets the better of the "delicacy" which so long troubled him, as to represent Mrs. Badger as ranking Mrs. Biglow among her kitchen attendants! If these representations were true, they would reflect no disgrace on Mrs. Biglow, and would not deduct from her credibility. They, at most, only serve to magnify some exceeding small minds, so as to make them perceptible.

It is not considered any reproach to Mrs. Biglow though much pains are taken to publish the fact, that she was once a servant maid in Mrs. Badger's kitchen: and on the other hand, it should not be thought any injury to Mrs. Sanger, to expose what she has endeavoured very artfully to conceal; that her "*friendship*" with Mrs. Badger "*commenced*" on the same footing.

It was contemplated to add to this publication, the affidavits of Mr. and Mrs. Biglow, for the purpose of denying or explaining sundry calumnies and misstatements; but a prosecution at law is expected to be commenced by them, and they have therefore declined giving their testimony—and on the whole, it has not been judged best to take the af-

fidavits of any who testified for the appellant on the trial;—though some of them could state important facts, which were not then deemed necessary or material.

The affidavits of three persons, however, are inserted; and two of them were attendants on Mrs. Badger, in her last sickness, and testified for the appellees on the trial.

The appellant's own affidavit, containing a statement of some material facts within his personal knowledge, has not been made without his being fully sensible of the excellence of the rule of law which excludes a party from being a witness in his own cause. If any doubts existed as to the wisdom of that rule, the numerous contradictions which will appear in the affidavits of these parties, would remove them. But, as he has been attacked by five affidavits of that kind, he thinks he ought to make his own also.

He has also subjoined a statement of some other facts, which he thinks material. These are not within his own knowledge, but he holds himself responsible for their truth, and will be prepared to prove them when called on; so that the evidence can be legally obtained. Most of them are within the knowledge of Mrs. Thayer, who refused to co-operate in the management for obtaining the property, and who was instrumental in exposing many of the transactions. The death of Dr. Thayer, however, has left her with feelings very averse to appearing before the public; and for this reason, principally, she has not given her affidavit. If occasion should hereafter require, she must be compelled to testify.

The appellees profess to have much evidence in reserve for a future publication. It is not probable that any such will be noticed by the appellant; but that will depend on its nature and character.

In the Supreme Court of Probate of the Commonwealth of Massachusetts, at Cambridge, November 27, 1822, before Parker, Chief Justice, and Thatcher and Putnam, Justices, came on for trial the case of

JOHN ATKINS, APPELLANT,

vs.

CALVIN SANGER, & *al.* EXECUTORS.

This was an appeal from a decree of the Judge of Probate for the County of Middlesex, passed February 16, 1822, whereby a certain instrument purporting to be the last will and testament of Sarah Badger, late of Natick, in the County of Middlesex, widow, deceased, was approved and allowed.

The Instrument is in the following words:—

In the name of God, Amen—I, SARAH BADGER, of Natick, in the County of Middlesex, and Commonwealth of Massachusetts, widow, being weak of body but of sound and perfect mind, blessed be Almighty God for the same, do make, ordain, and publish this my last will and testament, revoking all former wills by me before made, that is to say—First, I give and bequeath to the Rev. Thomas Noyes, of Needham, in the County of Norfolk, and to his heirs and assigns, my farm which is situate in the town of Natick, and all my farming utensils, and all my stock of cattle, all my books and a tomb in Needham.

I give and bequeath to Fanny Biglow, the wife of Isaac Biglow, my best bed, new harateen curtains and every thing to furnish a bed complete.

I give to Alexander Wheelock Thayer, son of Alexander Thayer of Natick, two hundred dollars.

I give and bequeath to Anna Moore, Ira Fuller, Martin Bacon, and Henry Coolidge, which are now or have been all of my family, two hundred dollars each.

I also give and bequeath to Whiting Phipps Sanger, son of Calvin Sanger of Sherburne, in the County of Middlesex, Esq. two hundred dollars.

I also give and devise all the remainder and residue of my estate, both real and personal, wherever the same may be found, to the Rev. Thomas Noyes of Needham, Alexander Thayer of Natick, and Calvin Sanger, Esq of Sherburne, and to their respective heirs and assigns, to be equally divided between them. And lastly, I do hereby ordain and appoint Rev. Thomas Noyes of Needham, Dr. Alexander Thayer of Natick, and Calvin Sanger, Esq. of Sherburne, to be executors of this my last will and testament, revoking all others.

In witness whereof, I the said Sarah Badger, have hereunto set my hand and seal the twenty-sixth day of December, in the year of our Lord one thousand eight hundred and twenty-one.

Signed, SARAH BADGER, *& Seal.*

Signed, sealed, published and declared by the above named Sarah Badger, to be her last will and testament in the presence of us, and in the presence of the testator, who at her request have hereunto subscribed our names as witnesses to the same.

BENJAMIN SLACK.
CALVIN SHEPARD.
ABRAHAM BIGLOW.

The appellant claimed a right to appear and oppose the Probate of this instrument, on the ground that he was nominated Exexutor and principal Legatee and Devisee in a former will, dated June 19th, 1819, which he had filed in the Probate Office, and which is in the following words:—

I, SARAH BADGER, of Natick, in the County of Middlesex, and Commonwealth of Massachusetts, widow, considering my advanced age and the uncertainty of life, do make, ordain, and publish the following as and for my last will and testament.

1. I give and devise to the Rev Thomas Noyes of Needham, my tomb in his parish, to hold to him his heirs and assigns forever. I also bequeath him all my books.

2. I give and bequeath to Anna Moore, the sum of one hundred dollars, and also all my common and ordinary wearing apparel, provided the said Anna shall remain in my family till my decease.

3. I give and bequeath to Ira Fuller, one hundred dollars, provided he shall remain in my family till my decease.

4. I give and bequeath to Henry W. Coolidge, one hundred dollars, provided he shall remain in my family till my decease.

5. In consideration of the kindness and attention which I have uniformly and for a long time received from John Atkins, Esq. of Natick, I give, bequeath and devise to him and to his heirs and assigns forever, all the rest, residue and remainder of my estate, whether real or personal, and I appoint him executor hereof—and I do hereby revoke and annul all former wills and testaments by me made.

In witness of all which, I, the said Sarah Badger, have hereunto set my hand and seal this nineteenth day of June, in the year of our Lord eighteen hundred and nineteen.

Signed, S. BADGER, *& Seal.*

Signed, sealed, published and declared by the said Sarah Badger, as and for her last will and testament, in the presence of us, who, at her request, in her presence, and in the presence of each other, have hereunto set our names as witnesses.

JOSIAH ADAMS.
CALVIN SHEPARD.
HENRY BATTLE.

The appellant had filed the following reasons of appeal.

1. That the said Sarah Badger at the time of signing, sealing and publishing the said instrument, bearing date the said twenty-sixth day of December, A. D. 1821, was not of sound and disposing mind and memory.

2. That said Sarah Badger being of great age, infirm and deaf, and of very weak mind, was practised upon and unduly persuaded and induced by false representations to sign the said instrument as her will, by persons interested therein.

3. That said Sarah Badger on the nineteenth day of June, A. D. 1819, then being in the full possession of her faculties, had duly made and executed a will wherein the said John Atkins was beneficially named and appointed sole executor—and that afterwards when the said Sarah Badger was near her death, and of great age, infirm, deaf, and of very weak mind, she was practised upon and unduly persuaded to alter and revoke said will, by persons interested to effect such revocation, whereby the said instrument under date of the 19th day of June, A. D. 1819, and not the paper presented by Calvin Sanger, Esq aforesaid, is and by law ought to be decreed and established as the last will and testament of the said Sarah Badger, deceased.

4. For that said Sarah Badger signed the aforesaid instrument in the expectation and belief that the same conformed to directions by her given for the making thereof, whereas the said instrument contains provisions materially different from said directions, and was fraudulently and surreptitiously obtained from said Sarah Badger, by persons interested therein.

The counsel for the appellant filed a plea, stating substantially the facts alleged in his reasons of appeal; all which were denied in the answer of the counsel for the appellees.

The defence being stated to be a mixed case of insanity and fraud, and no claim being made to try the question of sanity by itself, the Court said it was not a case which could be tried by jury.

The appellees were directed to open and close, and the subscribing witnesses were called and sworn.

BENJAMIN SLACK.—I saw Mrs. Badger sign the will—heard her declare it to be her will; the other witnesses and myself subscribed it in her presence and at her request. I think she was of sound mind.

Cross Examined. The will is in my hand writing. I live in Needham, five miles from Mrs Badgers. Abraham Biglow came for me to go and do some writing, said I should be well paid. It was the 26th December, 1821. I wrote the will before I saw Mrs. Badger; wrote it in the lower room from minutes which I found there already taken; did not know the hand writing—think it was not Mrs. Badgers. I left the minutes at the house. I found there on my arrival, Mr. Noyes, Dr. Thayer, Mrs. Sanger, and Mrs. Noyes. Before the will was signed, I saw also Mrs. Biglow, wife of Isaac Biglow. Mr. Noyes paid me—gave me a little more than I usually ask. After I had finished the will, Maj. Shepard and Abraham Biglow were sent for to be witnesses—I went up chamber without them—found Mrs. Badger in an easy chair; she appeared weak—spoke well. When I had read a part of the will, I asked her if I read loud enough; she said "yes." I read the remainder and asked her if it was written right, and she said "yes." She said nothing else respecting the will In about ten minutes after, I went up again with the witnesses and the will was signed. I was in the room about ten minutes each time—had no other means of judging of her sanity—do not remember that Atkins' name was mentioned. Mr. Noyes asked her what should be done with the will—who should keep it; she said "you." After the will was signed, she said, "now I hope I shall not be turned out of doors." I supposed she referred to some difficulty with Capt. Atkins—had heard there was difficulty—cannot tell when—believe not till that day. I knew she had been sick sometime by report, and knew that Atkins had been her agent a long time.

Re-Examined.—I talked with her a few moments about the will—told her I had written one—that I was going to read it. Mr. Noyes desired me to read loud—she was hard of hearing. A table was set before her and the will put on it; she took her pen and glasses—I helped her to put them on—asked if I should steady her hand—she said yes. She held the pen—moved her fingers a little—not much. She put her hand *spread* upon the paper—I talked with her about her health before the will was

signed—and after it was signed she gave directions about her funeral—said she had talked of buying a piece of land to build a Church upon, but should not do it now—said she wished to have an Episcopalian minister at her funeral. I was paid five dollars for my services

Cross-Examined—Mr. Noyes told us not to say any thing about the will. The witnesses went away separately; I remained till after tea.

CALVIN SHEPARD.—I saw Mrs. Badger sign, and the witnesses. Slack asked her if she wished me to sign—she said 'yes'. I did so—do not think I had an opportunity to judge of the state of her mind. When I arrived, Mr. Noyes said there was business to do. When we went into the chamber, Slack said, "here is Maj. Shepard and Mr. Biglow; do you wish them to sign as witnesses to the will I have read to you?" Said she could not see—felt for her spectacles—they were put on to her head by some one—said again she could not see. Slack asked if he should assist, and took hold of her hand. After the witnesses had signed, Biglow said, "I have come to see you I fear for the last time." She replied, "I love you Isaac, I love you all." Mrs. Biglow told her it was Abraham; but she still called him Isaac—said something about trouble—had not expected to have the business to do—she could not have thought that Capt. Atkins would turn her or her poor folks out of doors. Mr. Noyes asked her if she would keep the will, or if he should keep it. She said, "you keep it" She said it was written on the will that Capt. Atkins' had, *not to be opened till after the funeral.* Mr. Noyes asked her if she would have the same written on this. She said it was a matter of indifference. I told Dr. Thayer, I could not tell whether she was sound or not. Mr. Noyes or Dr. Thayer, or both, desired me to stop. Mr. Noyes then asked her if she felt *fatigued* —she said "yes"—if she felt *resigned* as before—[Note A.]—she said "yes, why should'nt I?" I still doubted her sanity.

Cross-Examined.—She was bolstered up in an easy chair—was very weak and feeble—she took no notice of me, not the least. She had known me eleven years, and Biglow from a child. We lived fifty rods or more from the house—she had always been glad to see me—I thought she had believed she was going to be turned out of doors.

Re-Examined.—Mr. Noyes and Dr. Thayer desired me to say nothing about the will. Capt. Atkins had gone to Boston that day. Between one and two o'clock or after, Ira Fuller came to ask me to attend; said I should be wanted at Mrs. Badger's. About three o'clock Martin Bacon the young man came and asked me to go up. Some one requested us to go away separately, and we did so. My doubts of her sanity arose from her age and sickness—had not seen her before during her sickness. Abraham Biglow is a brother of Isaac—never knew him called Isaac before.

ABRAHAM BIGLOW.—I witnessed the will—saw Mrs. B. sign it, and the other witnesses. Slack said, here are Maj. Shepard and Mr. Biglow—do you wish them to sign the paper I have read to you? She said "yes." He asked her if she could see? Said she thought she could—her spectacles were brought and put on—said she could'nt see a bit. I do not know whether she was of sound mind—did not doubt it at the time. I am induced to doubt from things which have taken place since, and from comparing circumstances, and from what the executors have told me —was in the room but a short time—she took no notice of any body. After she had signed, I took hold of her hand, and told her I feared I had come to see her for the last time She said, "Oh Isaac, I always loved you." Mrs. Biglow, (Isaac's wife,) said, "It is Abraham." She said again, "Oh Isaac, I am in dreadful trouble; I could'nt have thought Capt. Atkins to be such a man as to turn me or my poor folks out of doors." Slack said, do you declare this to be your last will? She said "yes." Slack gave the will to Noyes, who asked Mrs. Badger whether he or she should keep it. She replied, "you keep it." She then said of her own accord, that it was written on the will which Capt. Atkins had, "not to be opened" &c. as testified by Maj. Shepard. I am connected with my brother in business, and have been often called Isaac.

When we arrived at the house, Mr Noyes said the old lady wished to be retired a short time, and we waited ten or fifteen minutes. Mr. Noyes desired me to attend to the state of her mind. Ira Fuller came to me first to tell me to be at home—Martin Bacon came afterwards. I was told to tell Mr. Slack to be private, and to keep it from the Atkins family. I did tell him so. We went separately to the house. I told Mr. Slack to ride on first, and I would come after to prevent suspicion—heard Dr. Thayer say that Atkins was out of town.

The Counsel for the Appellees rested the cause here for the present.

The Counsel for the Appellant opened the defence and called his witnesses.

REV. ASA EATON.—I was acquainted with Mrs. Badger the latter part of her life. I went to see her with Miss Bell on the 27th December. Mrs. Sanger received us—she said Mrs. B. had been very sick—had been better the day before, but was worse again—she invited us up stairs—Mrs. Badger was bolstered in an easy chair, close to the bed—gave her my hand—asked how she did—she asked if it was Mr. Noyes—was told it was Mr. Eaton. She then called me by name and asked how I did—said she was glad to see me, and had many things to say; she seem-

ed anxious to talk, but was unable to speak audibly. I wished to converse, but thought her unable. We were invited to go down to tea—told her I would see her again—spent the evening below. At the close of the evening, Mrs. Sanger said, Mrs. Badger was too much exhausted to see me that night. The next morning I administered to her the sacrament—said nothing to her about temporal concerns—she made some exclamations—said they came upon her so suddenly, so unexpectedly, she was not prepared—she mentioned Capt. Atkins—could'nt have thought it of him. I wished some explanation, but asked none, supposing her too feeble—told her I was sorry any thing had occurred to make her unhappy. She complained of distress in her head—said she could not lie down. She spoke again of Atkins—said the folks told her he had offered a butcher ten dollars a week to supply her with meat—that he had threatened to turn her and her family out of doors, and was so impatient for her death, that he had made preparations for her funeral. This was said in broken language. She made several attempts to speak—paused—and then resumed—her sensations appeared to be those of grief—anguish—distress. I had often heard her speak of Capt. Atkins in terms of unqualified approbation—particularly about a year before her last sickness. I visited her again in the October before her death—was sent for by her; it was just after she had been sick; she then said her work was done, and she hoped she had done her duty—that she had nothing to do but to wait her departure; she was speaking of her temporal affairs. During the exclamations before stated, Mrs. Noyes, Mrs. Sanger, Mrs. Bigiow, and Jane, a servant girl were present; no one offered to explain the conduct of Capt. Atkins.

I visited Mrs. B. again, two or three days before her death—she appeared much weaker.

Cross-Examined—This last visit was at the request of the friends of Mrs. Jackson, the only surviving child of Mr. Badger. I did not know the state of her health—thought it possible she might have recovered so as to be able to make a will. As soon as I saw her, I knew it was otherwise—told her the object of my visit—that she could not make a will; but that the executors would doubtless observe any directions she should give. She asked what she should do? I suggested some things calculated to induce her to bestow something. I had been told she had disliked Mrs. Jackson's conduct toward her; I suggested the importance of forgiveness. She said she was no one's enemy—never had quarrels with any body; if any one displeased her she withdrew.

I stated to Mr. Noyes and Col. Sanger what I had said to Mrs. Badger—that they would have opportunity to see her and take her directions; they expressed a willingness. I stated the feelings and wishes of Mrs. Jackson's friends—that I had a letter from a Miss Curtis, and that Dr. Jarvis, who was with me, had

one from General Hull. I suggested the case of Mrs. Jackson to those present generally, and left the matter to their discretion. When I first arrived, Mrs. Badger said she was glad to see me—had many things to say—had wished to make some provision for the church. I knew some provision of that kind had been made in a former will. I asked if her worldly affairs were settled? She answered, "Oh no, that is what distresses me." I had conversation with her in the evening and the next morning. When I left her in the morning, she took my hand and said with apparent concern, "What shall be done for Mrs. Jackson?" I told her the executors would feel bound by any directions she should give.

I have known of four wills. In 1815, she consented to alter, in order to provide for the Episcopal Church at Newton. In this will, her tomb and books were given to Mr. Noyes—plate and furniture to Mrs. Noyes—her farm, stock, &c. to Capt. Atkins—and the church was residuary legatee. She said she should make no alteration in what she had given Capt. Atkins. [Note B]

On going out of the chamber on the evening of the 27th of December, I met Capt. Atkins—do not know what was said by him in the chamber—after he came down Mrs. Sanger came into the parlor, and he made some intimations that improper influence had been used—Mrs. Sanger repelled, and some conversation, not the most courtly, ensued between them.

JOHN NICHOLS—was acquainted with Mrs. Badger—I am a member of the Epis. Church—my wife and I had been intimate with her—we went to visit her Dec. 23d—could not be admitted—saw Anna Moore and Jane Smith—Jane said she was in a drowse—was very sick and could not be seen.

ABIGAIL NICHOLS.—Went with my husband as he has stated—saw Jane and Bacon—enquired after Mrs. Badger—was told we must not see her—that she was too sick. Saw Mrs. Greenough in the parlor. I had been there often—had been always received kindly. Mrs. Greenough, Anna and Bacon all said she was very sick—Jane said she was in a drowse.

CATHARINE BELL.—Knew Mrs. Badger for some years. Visited her Dec. 27, with Mr. Eaton; found her very sick; bolstered in an easy chair. Mr. Eaton spoke to her—she said "how do you do Mr. Noyes?" being told it was Mr. Eaton, she said she had much to say to him—she had had a great deal of trouble. I spoke to her—she said they had had dreadful doings—Atkins was going to turn her and her people out of doors. She was repeating these exclamations when some one *called us to tea.* We had

been there about fifteen minutes—we went down—Capt. Atkins went in as we came out—Mrs. Sanger stayed till he came down —*In about three fourths of an hour tea was ready.* We were left alone in the parlor from five o'clock till nearly nine; Mr. Noyes said he had not been all the time in the chamber. I proposed to Mrs. Noyes and Mrs. Sanger to sit up with Mrs. Badger; they opposed it—said I was too much fatigued. They finally arranged that Mrs. Sanger should sit up with me till twelve, and then that we should go to bed, and Mrs. Noyes and Jane should get up. I accordingly went to bed at twelve, but I understood Mrs. Noyes was not called, and did not get up till morning. I was not alone with Mrs. Badger a minute during the visit. Mrs. Sanger, or Mrs. Noyes, or the man were present. Before Mrs. Noyes went to bed Mrs. Badger again spoke of Atkins—said he wished to put her out to board—to turn her out of doors—that he said he would not have so many people in the kitchen—that she should not be allowed more than ten dollars a week. I asked who told her these stories. She said all the neighborhood talked of it; she was much distressed. After some other conversation, she said, "Mr Noyes *is* good; Capt. Atkins *was* good; but Oh! Oh!" and then stifled and was overcome. I requested her to let some one else tell me. Mrs. Sanger and Mrs. Noyes then both began to relate. They said the people in the kitchen said Atkins rejoiced at her sickness; that he looked sorry to hear she was better, and pleased when told she was worse; boasted that he should soon be in possession of the property, and then he would have other doings; that Atkins had spoken for her coffin and given directions for the funeral. I had hold of her hand during this time; she appeared to understand; she was much distressed, and greatly affected whenever Atkins name was mentioned.

When Capt. Atkins left the house that evening, he said, "if Mrs. Badger made that will in her right mind, she was a wicked woman." Mrs. Sanger mentioned this in the night, and said, *that would be a fine story for Jane to tell Mrs. Badger in the morning.* I told her I hoped she would not let Jane disturb Mrs. Badger with such stories. She said she could'nt help it; Jane was angry and would tell. Mrs. Sanger called me early in the morning, and it was arranged to have the sacrament administered before breakfast. Mrs. Badger afterwards spoke of Capt. Atkins as before. When I took leave, after breakfast, Mrs. Badger said to me, as we had been united in the church militant, she hoped we should be so in the church triumphant.

ABRAHAM BIGLOW.—*Cross-Examined.*—A few days after the will was made, I was at Col. Adams' house. Thayer was there, and began to talk about the will. Adams checked him, but he went on to tell about his taking the minutes for the will;

he said there was one thing so *funny*, he must tell it. He said after the farm was disposed of, they asked Mrs Badger what was to be done with the personal estate; he said she was almost exhausted, but he got out Col. Sanger's name, Mr. Noyes's and his own. Mrs Sanger then asked what was to be done with some particular things; he touched her, and they stepped aside; he told her he had taken care of all in a sweeping clause, and the sooner they stopped the better.

A few days after this, I saw a man riding very fast toward Dr. Thayer's. I knew that he was at Mrs. Badger's, and that Capt. Atkins and his son Benjamin were there too; I saw him soon after, and asked him how she received them. He said she was so moved she would have undone every thing if he had left them there—that Mrs. Sanger and Mr. Noyes were not there, and he did'nt dare to leave her. Before Probate Court, he asked me if I thought my brother Isaac could be settled with—said if Noyes had not been so avaricious, and had been willing to do justice to Mrs. Biglow, the evidence would have been all in the family, and they should have done well enough; Atkins could have got no hold—"but now," said he, "I believe we shall lose the whole." He told me at another time, that he knew Mrs. Biglow ought to have something; but it would not do for him to say a word, for Mrs. Sanger had perfect control of Mrs. Badger, and he might lose what he had got. He told me at another time, that he thought they should not have got her to sign the will after all—that she wished to put it off; but they persuaded her, and told her the witnesses were all ready. [Note C] He told me also, that he thought Jane was put there on purpose for this business—that some people thought her pious—said he doubted it; but at any rate she was cunning.

While at the Probate Court, I was sent by the executors to my brother Isaac, to offer him terms, provided he and his wife would refuse to be witnesses. They both refused to accept any terms. Col. Adams and Dr. Thayer married my sisters, and live in the same house.

MEHITABEL ADAMS.—About a week before the will was made, Dr. Thayer said he heard Mrs. Sanger talk a whole hour to Mrs. Badger about Capt. Atkins—said she was a fool for her pains, for the old lady still stuck to Atkins; she would only hurt herself by it. After this, he said Mrs. Badger appeared to have a weight on her mind; and on the Saturday before the will was made, he said he had found out the mighty secret. Mrs. Badger wanted to make a new will, to do something for Isaac Biglow's children, and for the Episcopal Church at Newton—said he was going to take minutes on Monday. He went accordingly. When he returned, I understood he had taken some minutes; said she had given $200 each to the people in the house—the farm and

stock to Capt. Atkins—bed to Mrs. Biglow—$200 to Col. Sanger's son, and, said he, she is a cunning old jade, for she has given my boy $200 to make me faithful. He went again to the house same evening. When he returned he said she was so low she probably would not live to do any thing more. He went again Tuesday morning—said she would not do any thing about it. The people said it was because it was Christmas. On Wednesday, the 26th December, I was in the Doctor's part of the house; Dr. Thayer was there—seemed agitated—walked the room—exclaimed "it is too bad, it is too bad"—said nothing about the will. The next day, Abraham, Eunice, and Dr. Thayer, came into our part of the house; my husband had just returned from Boston. Dr. Thayer said there was one thing about the will was so funny he wanted to tell it. My husband told him he had better not, for all he said would be evidence against him. He replied he would venture it; it could'nt do any hurt. He then said that after Mrs. Badger had disposed of the personal estate, she was nearly exhausted; Mrs. Sanger asked what should be done with the carriage; he tipped her a wink, they went into the entry, and he told her he had made a broad sweep, and the less said the better. She tucked him under the ribs, run out her tongue, and they returned to the room. The day before Probate Court, he desired me to say nothing of what I knew, and it should be settled. Speaking of the visit of Capt. Atkins and Benjamin, he said it would all have been over if he had not led them out of the room—heard him say Isaac had got a capital hold of Sanger and Noyes; they were afraid his wife would let the cat out of the bag—heard him say also, that Mrs. Badger was worried to death about Atkins' treatment of her, but that he had done nothing at all. He said they talked of getting my husband to write the will, as he lived near, and there would be no suspicions; but he was at Boston.

Cross-Examined.—Dr. Thayer said the farm was given to Atkins by the first minutes; but Mrs. Badger ordered a new piece of paper the second time, and the farm was given to Noyes. Do not know that Isaac or his wife are to gain or lose any thing by the event of this trial, except the bed.

EUNICE BIGLOW.—On the morning of the 26th December, my brother Abraham said he was going on a private expedition to Esq. Slack's. In the evening the Dr. came in; referring to the will, he said it was too bad—too bad; said Mrs. Biglow had promises, but it was not like having it in writing. Dr. T. did not wish to have the will known; was angry with Abraham for mentioning it. I was present when he related the funny story, as he called it. It was substantially as stated by Mrs. Adams; heard him give an account of the manner of taking the minutes:—he said, that after she had given the small legacies,

and disposed of the farm to Noyes, he asked her what she would do with the personal property; that she had not disposed of that yet—to whom do you give it? To my friends—Who are your friends? As numerous as the branches on the trees. Said he told her she must name them; she said, "to my Executors;" they had been already mentioned—"Do you give your personal property to Colonel Sanger, Mr. Noyes and myself?" she answered "yes."

Heard Dr Thayer say Mrs. Badger was much worried about Atkins; but that he had done nothing in the world. He said the people in the house were prejudiced against Atkins. Jane was not afraid to tell the stories to Mrs. Badger, and the others pushed her up to it.

Cross-Examined.—Never heard of any collusion between Capt. Atkins and the witnesses.

CHESTER ADAMS.—Mrs. Badger was taken sick about the 10th or 11th December. Doctor Thayer visited at the request of Capt. Atkins. About the 19th or 20th, Dr. Thayer told me there was a good game going on at Mrs. Badger's. That Mrs Greenough, Mrs Noyes, Mrs. Biglow, and Mrs. Sanger were there. Mrs. Biglow came by request, and the others of their own accord. [Note D.] They were striving to see which should be the favorite. Capt. A. wanted to get them off, and they wanted Captain Atkins to be kept away; that he joined neither side; that Atkins had no secrets, no arts—but they were sly and cunning. On the 22d December he said they told him something was laboring in the old lady's mind. Next day he said he had found out the secret. That he said to her "Ma'am, I understand there is something laboring in your mind—if you want to make any alteration in your affairs, I am ready to assist you." She said, I want to make a little alteration. Capt. Atkins has been very good, and so has Mrs. Biglow. I want to do something for her children, and something for the church. I asked Dr. Thayer if she would make a new will? he said she would, if it could be kept from Capt. A. till she got a little better; that she was then too sick; that when Capt. A. came, they kept him out of the chamber, saying, she was too unwell to see him; but he would go in. If he began to talk with her, Mrs. Sanger would say, "I am afraid you will hurt yourself, ma'am," and then tell Capt. A. "she is dreadful sick," and then he would be still. The next evening (Sunday) Dr. T. said she was very low; feared she would never be able to make any alteration—that he had ordered strengthening things to brace her up: said Atkins had been in—they were mighty smooth to his face, and he suspected nothing; said Jane was very angry with Atkins about a dollar bill that was missing, because he suspected her; told me if I saw Atkins, not to say a word; for he would overset

the plan if he found it out. The next evening (Monday) he said he had been taking minutes, and that the old lady would have Atkins yet for all they could say and do: he has got the farm, stock and tools after all, [Note E.] that the kitchen folks had 200 dollars each, and that she had given 200 dollars each to his boy and Col. Sanger's. I asked him why he did not finish; he said she was too low; he could not keep her to the subject—kept talking about property she once owned somewhere, he knew not where, but which she had nothing to do with now; she kept wandering from the point; he feared she would never be able to finish—*said Mr. Noyes had not yet been mentioned.* That evening he asked me to write the will—told him I thought I could. He said I was near and could go in and out without suspicion. Next day, said he had been in—could'nt move an inch; she had found out it was Christmas; another day might be too late—Atkins would find out what was going on; said she was very low—hardly alive. I told him Capt. A. was going to Boston next day; he said that was lucky, the will would be made before he could get back. He said they had told Mrs. Badger that Atkins and his family hung their heads if told she was better, which showed they wanted her dead to get her money.

I stayed at home Christmas day to write the will if wanted—went to Boston Wednesday, and returned Thursday evening. Dr. Thayer was in my part of the house, talking about the will. I cautioned him, as related by my wife and the other witnesses; but he went on and stated as they have testified. On the Friday or Saturday after, Mrs. Thayer asked him why he did'nt go to visit the sick woman who had sent for him. "Factorum," said he, "I am making money faster. Capt. Atkins and Ben. have been "to see Mrs. Badger; the people at the house said they must not "go up; but up they went, and as soon as they spoke to her, I "saw that she was softened at once. She implored a blessing on "Benjamin. I saw what the effect would be—told them they "must not say another word—that she was too sick to hear it. "I had to take them by the shoulders and lead them out of the "room; if I had not, it would all have been over the dam in ten "minutes. Noyes was'nt there—Mrs. Sanger was gone; I could "not leave her; if I had, Atkins would have got into conversa-"tion, and the will would not stand an hour." He also said that if Atkins said any thing in her favor, it was carried to her and represented in a different sense, by manner and emphasis. Mr. and Mrs. Noyes were there most of the time. Mrs. Noyes' mother who lived near her, was sick at the time, and died soon after Mrs. Badger. She was about Mrs. Badger's age.

Cross-Examined.—Before the will was made, Capt. A. asked my advice—said he had Mrs. Badger's power of attorney to act, but that would cease at her death, and the will which he had was not to be opened till after the funeral, there would be a time between the death and the funeral, in which he should have

no authority to act; he said Mrs. Badger was very sick—would probably die—that he was kept out of the house, and he did not know what he ought to do. He said he believed he should put keepers in the house, and should secure the trunks, &c. by seals. I approved his plan—told him I should do it if I were in his place. I told this conversation to Dr. Thayer, and to no one else. He said he wouldn't give much for what money would be found after the funeral. Mrs. Noyes's mother had no complaint but old age; she was quite unwell—grew worse and died. The day before the will was made, Atkins said Mrs. Badger was shrewd and bright as a dollar—that she carried her keys, and they could'nt get her money. When Thayer stated the manner of taking the minutes, he said the farm was given to Atkins the first time, but the last time she ordered a clean piece of paper, and gave the farm to Noyes When Atkins said she was bright, &c. he probably did not know that she was going to make a will.

Re-Examined.—Atkins said at the same time, that he had not seen her since the Sunday evening before. When Thayer asked me to write the will, I supposed the farm was to be given to Atkins, and the personal property was not disposed of—thought some of it would go to Isaac Biglow's children, and some to the Church. Capt. Atkins' family were all intimate with Mrs. Badger. Mr. Noyes lived two and a half miles distant, and Col. Sanger four miles. The Biglow's and myself within a few rods, between Capt. Atkins's and Mrs. Badgers—have heard Thayer since say, that he never heard Mrs. Sanger say any thing against Capt. Atkins—that what he said about it was in jest. I supposed at the time, that he was in earnest; he appeared so. I assisted after Mrs. B's death, in taking an account of the money—found eleven thousand dollars in silver, gold and bills.

I have heard Col. Sanger and Mr. Noyes both say that the people in the kitchen were offended with Capt. A.—he ought to have kept in with them. Col. Sanger said he thought very hard of Mrs. Thayer—she ought to be grateful to Mr. Noyes and Mrs. Sanger, for the will would not have been made but for them—have also heard him say he did not know or believe there had been any improper influence—have heard Noyes say the same.

JOSIAH ADAMS.—I wrote the will of 1819, and also another a year or two before. I am not certain about the date nor the contents of it—think Mr. Noyes had the tomb and books, and Mrs. Noyes the household furniture; Capt. Atkins the farm or a considerable sum of money, about the value of the farm—and the remainder was given to Capt. A. and the Church at Newton—perhaps some legacies to the domestics.

FANNY BIGLOW.—I went to Mrs. Badger's the 14th December; she had a lung fever; said she was glad to see me; said she was very sick, and that she had a great deal to say to me. Mr. Noyes and wife came the same afternoon—Mr. Noyes went away that night—Mrs. Noyes stayed, except one or two nights, till Mrs. Badger died. Mrs. Sanger came next Sunday morning told Mrs. Badger she did not hear of her sickness till that morning. Do not know that Mrs. Badger sent for Mr. and Mrs. Noyes. She appeared agitated when they came. Mr. Noyes took a seat close to her; she asked him to sit further, and asked me to sit close to her; asked Mrs. Noyes to go and get her some tea; told her not to talk. Heard Mrs. Sanger tell her the Atkins's did not love her any more than an old dog; they only wanted her money; but she had people round her then that had affection for her, and didn't want her money. One morning Mrs. Badger said that Capt. Atkins was going to put a watch into every room in her house; asked Mr. Noyes and me if we had ever heard of it. We told her No. Mr. Noyes asked me what she meant. Mrs Badger asked me at another time if I had heard that Capt. A. was going to board her out at Mrs. Leach's at 10 dollars a week, and turn her poor folks out of doors. Told her I never heard so; that it was a mistake; told her I heard Capt. Atkins had said he would not grudge 10 dollars for Mrs. Leach to be there. Mrs. Sanger said to me, "are you such a dumb fool you won't defend yourself? If I thought any body would treat me so, I would pay them for it." At another time, Mrs. Badger asked why Capt. A. had not been there? I told her he had been there, and asked how she did. Mrs. Sanger said, "I did not think you would be such a plaguy fool as not to defend yourself." Mrs. Badger often said Capt. Atkins was going to turn her poor folks out of doors. I never heard any one try to undeceive her. Before the will was made, Mrs. Sanger told Mrs. Badger that she meant to be off as soon as the breath was out of her body: for old Atkins should never turn her out of doors; but said she dared not leave her a moment, for fear some of the Atkinses would come in and poison her, and then, pointing to a phial on the window, said, "who knows but that is poison." Often heard her tell Mrs. Badger she would go and get the money to pay the 1000 dollars which Col. Sanger owed her—old Atkins should never dun him for that. Mrs. Badger used to say, "I wish you would let me die in peace—who would have thought it of Capt. Atkins? He has

always done my business well; I always thought him honest and good, always loved him—who would have thought him so cruel?" One day in the parlor, Mrs. Sanger says, "I can say as Capt. Atkins says, I have a clear conscience, I have done nothing." She left the room, and I said, "I wonder she can say so." Mr. Noyes replied, "I have not heard her say much," and turning to Mrs. Noyes, said, "we must keep our mouths shut." At another time, when Mrs. Sanger was reproving me for not defending myself against Capt. Atkins, Mrs. Noyes said to me, it was better to suffer wrong than do wrong. Mr. Noyes said it was a good thing to have a clear conscience. The latter part of the week before the will was made, I heard Jane say something about a new will. On Sunday evening (Dec. 23) Dr. Thayer tried to persuade Mrs. Badger to have her feet put in the bed; she refused; Capt. Atkins came in; he advised to it, and she consented—she was very helpless.

The first day I went there, Mrs. Badger told me she wished to give something to my children—said she had made her last will, never to be altered, and had given to Capt. A. but she could do something for me and for Nabby Greenough, who had been unfortunate; said she wanted to see Capt. A. to see what could be done.

A day or two before Christmas Mrs. Badger said she wanted some writing done. Mrs. Sanger said, "Do you mean to make a new will, ma'am?" She said, "I have made my last will as strong as the rock of Gibraltar." Mrs. Sanger said to me, "that is her way of talking—I guess another will can be drawn as strong as that which Esq. Adams drew." Mrs. B. said it cost her a great deal to make her wills, that she paid five dollars for writing the last one.

On Monday (Dec. 24) Mrs. B. said she wanted writing done. Dr. Thayer offered to do any thing she wished—he got some ink and paper, and took some minutes. She said, "I give your little son, Wheelock, two hundred dollars. I give Colonel Sanger's son two hundred dollars." Mrs. Sanger said, "I suppose she means Whiting." "200 dollars each to Anna Moore, Ira Fuller, Henry W. Coolidge and Martin Bacon," her domestics. Dr. Thayer asked, if she meant to give my children any thing. She said, there are other ways I can do for them. "Do you mean to give Jane any thing?" She said, "she is not one of our country people." She then said, "My farm, stock and tools to Capt. A.

to pay my last respects to him." Dr. Thayer made some inquiry further, and she said, "Don't drive me too hard, doctor, I am not able." He said, "You are not; I will come some other time." I told him I did not think she would ever be able to do any thing—he said he thought so too ; it would all be knocked in the head. He carried the minutes away with him.

I heard nothing said about a bed for me, but Jane and others told me I was to have a bed.

The next morning before day, she said, "Jane, clear out the room ; some gentlemen are coming, there is a great deal to do ;" asked me to put up her green curtains. Dr. Thayer came, but she said she was not able to do any thing that day.

The next morning she said she had a great deal to do ; some one asked if Dr. Thayer should come ? She said yes. He came. She said, "Get a new piece of paper." Mr. Noyes said, "Hadn't we better send for Esq. Slack to write your will ?" She spoke of the expense. Noyes said, "Don't trouble yourself about that we will pay the expense—Ira will go." She said, "Oh, but you have not got the old will up yet." They said that could be done just as well afterwards. She proceeded to dictate the will.

"I give your little son 200 dollars the same as the other day. Col. Sanger's son, 200 dollars to him too ;" then to the four domestics as before, naming them at Dr. Thayer's request. "Tomb and books to the town of Needham"—then "Parish of Needham." Mr. Noyes said, "ask if she means me." Dr. Thayer asked her the question, and she said "yes." Dr. Thayer asked if she meant to give Mrs. Biglow the best bed in the parlor ; she said "yes." Mrs Sanger said, "and harateen curtains ?" She said "yes, harateens; every thing that belongs to a bed." "My farm to Mr. Noyes." Dr. T. says, "do you mean your stock and tools ?" She said, "to be sure, what is a farm good for without them ? five cows, a yoke of oxen,"—did not go through—appeared to be exhausted. Dr. Thayer asked what she proposed to do with the personal property She said, "this is all—I have done." He said, "you recollect Ma'am, your personal property is not yet disposed of." She said, "there is the most I have got, in that trunk ; take it and divide it among my friends and three executors." Dr. Thayer said, "you have not appointed any yet; whom do you appoint ? Col. Sanger ?" She said, "Col. Sanger, Mr. Noyes and yourself." He asked who she called her friends. She said, "you know as well as I do ; people around me who come in voluntarily to take

care of me." Thayer and Noyes asked her several times to name her friends. She said, "they are as numerous as the stars in the heavens." Noyes said again, "it is for you to name your friends Ma'am." She said, "they are as numerous as the branches on the trees; you may take the keys and see what is there: Oh, Mrs. Greenough has got my keys; what business has she with my keys?" I told Mrs. Sanger Mrs. Badger had the keys. She replied, "no matter now." She said to Mrs. Badger, "the keys are in the drawer; we don't want to see your property." Mrs. Badger seemed agitated, and said, "I thought I was alone; don't leave me Mrs. Sanger; do give me some drink." She gave her some gin toddy, and sat down by her. Dr. Thayer said, "do you propose dividing your personal property among us three executors?" She said "yes; Col. Sanger, Mr. Noyes and yourself." Dr. T. said, "do you purpose giving Isaac Biglow's child any thing?" She said "no, giving to the mother is giving to the child." "Do you give Jane any thing?" "No, she is not one of our country people." Mrs. Sanger mentioned the carriage; Dr. Thayer said in a low voice, there was a sweeping clause which took in the whole. Mr. Slack came some time in the afternoon, while I was laid down to sleep; was told he had come and written the will. I went into the chamber—no one there but Jane—saw the will on the table—cast my eye over some of the legacies—Noyes came in—I went down stairs—saw Slack there—the other witnesses came in soon, and in a short time I followed the witnesses up stairs. Mr. Slack asked her if she was ready to sign that paper. She said she could not see. Mrs. Sanger flew to get the spectacles; they were put on by Esq. Slack, I think. She said, "I can't see one bit." Slack guided her hand, as stated by other witnesses; Noyes asked her who should keep the will. She said, "you keep it." Noyes asked if she felt resigned. [Note A.] She said "yes, why not?" Mrs. Badger asked how Esq. Slack was to get his pay. Mrs. Sanger said, "I have got a five dollar bill." I laid down to sleep by Mrs. Sanger's advice; she said I needed rest. The evening before she told me Mrs. Badger was going to do something handsome for me. I told her I supposed nothing but a bed. She said, "a great deal more—I guess she is going to give you the 500 dollars she gave you in a former will;" told her I never heard of that. "I have," said she, "I mean to have another talk with her; I can make her do any thing." One day before the will was made, Mrs. Badger said,

"where do all these stories come from?", Mrs. Sanger said, "you tell her." I told Mrs. Greenough to tell her there was no truth in them. Mrs. G. said she would have nothing to do with it. Mrs. Sanger used to reply to such questions, "ask Jane—ask Anna—ask Ira." After the first minutes for the will were taken, Mrs. Sanger said to Mrs. Badger, "you don't intend to give old Atkins any thing, do you ma'am?" Mrs. Badger exclaimed, "what!" Mrs. Sanger then said, "you don't intend to give Capt. Atkins any thing, do you?" Mrs. Badger said, "Oh, who could have thought it!"

The Monday evening after I went there, Capt. Atkins came and proposed that Mrs Cook, (his daughter) should watch. Mrs. Sanger told Mrs. Badger "Mrs. Atkins and Mrs. Cook are coming to watch; you don't want them do you?" She answered "No." Capt. Atkins came frequently, but was not invited up stairs to my knowledge.

On the 4th of January, Mrs. Sanger went to Boston for her husband. On that day I had considerable conversation with Mrs. Badger. She was more calm than usual. She told me she wished for a plain mahogony coffin, and to be buried in the church way. She hoped my husband and the other gentlemen would be willing. Said most of her property was in that trunk; Mr. Biglow might see it. I asked her if she meant to include me among the friends to whom she gave her personal property? She replied, "to be sure I did, my child, to be sure I did; the will speaks for itself." Jane came in at the moment, and I desired her to attend to what was said; I then asked the same question, and received substantially the same answer. I told Jane to remember; she appeared pleased, and said she would. Mrs. Sanger came with her husband soon after. Jane looked sad; I asked her the cause. She said she had been telling Mrs. Sanger what Mrs. Badger said, and I must not say any thing more about it; she could not remember so as to swear.

Col. Sanger came there again the Monday after the will was made. Mrs. Sanger said he had been to the first lawyers in Boston—heard them conversing about a power of attorney which Col. Sanger was about taking; he said it would not look right to take the agency from Capt. Atkins; it would be but a short time. Mrs. Sanger said, "you don't know the old lady so well as I do; what she wants done must be done immediately." On the Saturday after Mrs. Badger's death, I had some conversation with

Mrs. Sanger about her conduct, and about what I had told respecting it. She said. "I hope you are not going to Court to tell what I said; old Atkins can't break the will, unless somebody turns States' Evidence; I hope we have no traitors among us; I vum, I'll swear I did'nt say any thing." At another time she said, "I'll swear I did'nt say any thing."

Mrs. Biglow was not examined as to some important facts which took place on the 4th and 5th January, as her husband was to be on the stand, and could testify to them.

Cross-Examined.—I did not know that Mrs. B. was vexed with Capt. Atkins. Mrs. Sanger came Sunday morning—never heard a word against Capt. A. till Mrs. Sanger came. Capt. A. told me I had better go home, that there were too many people there—that I must tell Mrs. Badger my family needed me, and not to be mealy-mouthed. Mrs. Badger understood that Capt. A. wanted to get me away, and asked me what he said. I told her—she made no reply. I heard her say that if she owed Capt. A. a shilling, she always paid him two. Mrs. Sanger once proposed to Mrs. Badger, to go home and have Mrs. Atkins come. Mrs. Badger desired her to stay—did not hear any of the legatees speak ill of Atkins. Rev. Mr. Moore and Benjamin Atkins both called on the same day, and were refused admission to the chamber. Mrs. Noyes said she was glad Mr. Moore called, as Benjamin would be better satisfied. Some days after the will was made, Mrs. Badger was told that John Atkins, Jr. was coming to see her. She said she was not able to see any gentlemen. Mrs. Sanger said, "you don't want to see John Atkins?" She asked what he wanted. Mrs. Sanger said, "I suppose to make an apology for what he has said about you." She asked what he had said. "That you are an unprincipled woman—no more fit to make a will than an old dog or an old cat." Mrs. Badger exclaimed, "Oh I wish they would let me die in peace; I want time to die." Mrs. Sanger once told Mrs. Badger that Atkins did'nt like Mr. Noyes, nor the Biglows. Mrs. Badger said, "I know it." Mrs. Badger was inquisitive, but never permitted her domestics to tell tales. After the will was made, I sent for my husband. The executors were all there, and they had some conversation about the will. I saw Dr. Thayer lead Capt. A. and Benjamin out of the chamber. Mrs. Badger told him she heard he was going to turn her out of doors. Capt. A.

said it was a lie. Benjamin said, "this will kill my father." Mrs Badger never asked me what Capt. Atkins's folks said—have heard her ask Jane and Anna. One time when she was asking about being turned out of doors, Anna said, "she is *out* now" One day Mrs. Badger said to me, "Oh, Mrs. Biglow, don't let them give me so much spirit—they have burnt me up." I expect to gain nothing by the event of this trial, unless Capt. A. should please to give me something; he has never intimated any such thing. I once said I thought I ought to have a dollar a day for my attendance during the sickness, and Capt. A. said he should not care if I got fifty. [Note F.]

I did not testify at the Probate Court, what I have now stated about the poison, and about turning states' evidence, and I believe some other things. The reason is, that I was sent from the stand before I had time, and I expected to have been called again. I told Col. Sanger at the Probate Court, that I had not told the worst of it, and was sorry I had so many more things to state against his wife. [Note G.]

ISAAC BIGLOW.—The day before commencement, (1822,) I told Dr. Thayer I heard Mrs. Badger altered her will to make provision for Mrs. Biglow and for her children; he said yes—and something was said about the church; but whether it was to lay her bones there or what, he did not know.

The day after the making of the will, I saw the executors together. Mr. Noyes said we have made new arrangements; your wife is left out, and we don't know how to account for it, unless Mrs. Badger had said in a passion, she should have nothing; but if you will be friendly and say nothing about it, we will make it up the 500 dollars she willed her formerly—said he presumed the other executors would be willing; Sanger said he was, if the last will was established; Dr. Thayer said he was willing to give more—any thing that was right. Mrs. Biglow told them it would seem like a present from them—it would not look right. They said it would make no odds—"say nothing about it; if the thing gets noised about, the will will be set afloat." Dr. Thayer said, "it will go over the dam if it gets out." Col. Sanger said, "if it gets to the old lady's ears that there is uneasiness, the will will be set aside, and none of us will have any thing." Col. Sanger told me at the Probate Court, that Mrs. Sanger was offen-

ded with Mrs. Biglow for coloring her testimony about her. Before we testified, Abraham Biglow came to us and said he was authorized to negotiate with us, to prevent our being witnesses.

On the 4th January, in the evening, I went to the house at the request of my wife to see the executors. I wished them to inquire of Mrs. Badger about her intentions to include Mrs. Biglow among her friends, to whom she willed her personal property. They made no reply. I told them they had better call up Jane, for she heard it as well as Mrs. Biglow. They said it was not worth while. I told them they had better go up and ask Mrs. Badger themselves. I told them I wished her to be asked if she meant to give my wife any thing beside the bed; and if she said no, I should be satisfied—told them Dr. Thayer had repeatedly said that Mrs. Badger wished to alter her will to provide for Mrs. Biglow, her children and for the church. They still refused to go up—proposed to defer it till morning. My wife and myself both told them if it was put off till morning, something would be told to Mrs. Badger to make her offended. Mr. Noyes said she perfectly understood the will—it was read over twice—once by paragraphs, and once *right through*. Next morning I went again. After much urging, Thayer went up with us. Soon after, Sanger and Noyes came up at the request of Dr. Thayer. I requested Dr. Thayer to put the question as I stated it last evening; to ask if she meant to give Fanny any thing beside the bed. Dr. Thayer said, "Ma'am, you recollect you gave Mrs. Biglow a bed." "Yes, but she can't have it till I am dead." She appeared very angry. Dr. Thayer said, "did you give any thing more?" She replied, "the will is made and speaks for itself." Dr. Thayer said, "you are satisfied with your last will?" She answered "yes." I asked Dr. Thayer to put the question as I stated it; he refused. Col. Sanger and Mr. Noyes left the chamber. Mrs. Biglow then went to her and said, "Ma'am, I had no thought of having any of your property so long as you live; there is some misunderstanding. Did you not intend that I should be one of the friends among whom you divided your personal property?" She replied, angrily, "to be sure I did, I wonder you should ask me again; I told you so yesterday morning." She was always attached to Mrs. Biglow from a child—always on good terms, except once for a short time. She lived there several years—till I married her. Mrs. Biglow was almost always sent for when Mrs. Badger was sick.

Cross-Examined.—(Called again.) I have had no offers from Capt. Atkins, nor has my wife that I know of or suspect. It is true that I did not, at the Probate Court, testify to several things which I have now stated; the reason is, that I was dismissed from the stand before I had half done, the same as I have been now.

MARTIN MOORE—(*Minister of Natick.*) I went to see Mrs. Badger on the 29th December; was told she was too unwell to see company.

In September last Mr. Noyes came to my house, asked if I was going to court; told him I should if summoned; asked what I knew, whether it was about not being allowed to see Mrs. Badger? He thought my testimony would not amount to much; told him I thought so too. He told me if I did go, he should be obliged to call a witness to testify that in consequence of some reports against my reputation, the old lady gave orders that I should not be admitted to the house, unless in company with him. I was always well received by Mrs. Badger, called there often before the time alluded to by Mr. Noyes, and after. Always saw her till this last time, excepting once, when she was unwell.

SARAH A. COOKE—(Grand Daughter of Capt. A.)—Have been brought up in Capt. A.'s family. We have always been intimate with Mrs. Badger since my remembrance; went to see her often; always spoke in highest terms of Capt. A.; much attached to all the family; never knew any interruption till last sickness. In the summer of 1821, she said she wished they would have a new meeting-house. I said, what will become of Mr. Noyes? She replied, "Let him go a Missionary." In July, 1821, she said she was under no obligations to Mrs. Sanger. In September, she had an attack of nervous head-ache—she said she failed very gradually after that; that she was glad of it; had settled all her worldly affairs; nothing was deferred to a sick bed; this was about three weeks before her last sickness. She could not see to read a word, with glasses or without. I often went to read to her. December 10, I dined with her by invitation; read to her till school time; she said Capt. A. had not been to see her that day, nor the day before; asked me

to tell the family to come and see her; sent her love as usual. I was there about ten days before this. She said a dollar bill had been lost; that she suspected Jane; said she before lost some silver spoons, and Jane, on being pressed, went and found them in a place where they must have been put; wished me to ask Capt. A. to come up. I did so; he went up. She afterwards told me Jane was offended with him; that she overheard him tell her "it was best not to trust too much to strangers."

I was at Mrs. Badger's house the day the will was signed. Between 12 and 1 o'clock Mrs. Sanger said she was no better: had just had a dreadful faint turn; I didn't think proper to go up stairs. Next morning I went, without asking any one, into her chamber—she was asleep, breathed very hard; saw her again about a fortnight before her death. Benjamin Atkins went with me, and we were told by Ira Fuller that Mrs. Badger was very low, and could not see us. I chose to go up; Mrs. Badger said, "Oh, 'tis Mrs. Noyes." I remarked that Mr. Eaton had been to see her. She asked, "When?" didn't seem to remember. Henry Coolidge said she couldn't bear talk. Mrs. Sanger called Jane behind the curtain, whispered, and then went out, leaving Jane and Coolidge, one on each side of the bed. Before I went out, Mrs. Badger said, "I can't ask you to stay any longer."

HARRIET C. JACKSON.—Married a grandson of Mr. Badger. I was at Mrs. Badgers on business, in the summer of 1821—said she had made her last will—never should alter it—that Capt. A. was her best friend—that he had gone to Boston, and she should take no step without consulting him—had conducted her business eighteen years—had been faithful and honest—said Mrs. Sanger was urgent to have her go and live with her, and offered to do every thing to make her comfortable; but she never meant to leave Natick—said she first knew Mrs. Sanger when she lived with her as a domestic—said she was a handsome woman, fond of dress. Mrs. Badger could not read at that time with any glasses; had known her ten years—visited her three or four times a year; always conversed freely.

BENJAMIN ATKINS.—Saturday after Christmas, went to the house with my father. Dr. Thayer, Mr. and Mrs. Noyes,

and Mrs. Biglow in the parlor at breakfast. My father said he wished an explanation. Mr. Noyes said, "I will give it to you, but not now; I think it my duty as a christian; call at my house at one o'clock and I will tell you." My father said, "you promised to call this morning." Noyes said he could not stop—they went out and left us alone. Noyes soon returned and said to my father. "Mrs. Badger requests you will not come up stairs." He asked how she knew we were there? Mr. Noyes replied, "she heard your voice, I suppose." He then turned and said, "Nor your son neither." I said, "If she is able to make a will, she is able to see company." He said, "I had it from Mrs. Badger," and withdrew. We determined to go up. Dr. Thayer overtook us going up, and said, "I will go first." We all went in. Mrs. Noyes and Mrs. Biglow there. My father took her hand, asked how she did, said she was very sick, asked after his family, and said, "May the best of Heaven's blessings rest on you and your's, amen and amen." I shook hands with her; she said, "Oh Benjamin, I am glad to see you. I always loved you." Soon after, she said, "I never should have thought it of you, Capt. Atkins." "Thought what?" said he. She replied, "Of turning me out of doors next morning." My father exclaimed, "Oh! the depravity of human nature!" Tears started into her eyes, and she fell back into her chair insensible. My father said, "who has been telling you these lies?" Dr. Thayer said, "do leave her, do leave her; she is too weak to bear it;" and clapped my father on the shoulder, and came with us out of the room. I asked if I could see her in the afternoon. He said "yes." I went, but Dr. Thayer said she was too sick. In the morning, they all said she was better than she had been since she was taken. I was there again the 7th January, but did not see her; Fuller said she was too sick.

HEZEKIAH BROAD'S DEPOSITION.

I Hezekiah Broad, of lawful age, do testify and say, that I have lived by Mrs. Sarah Badger, of Natick, ever since she married to Mr. Badger till her decease, which was nearly thirty years. Mr. and Mrs. Badger were my nearest neighbors, and I was well acquainted with her. Soon after Mr. Badger's decease, Mrs. Badger sent for me to come to her house; when I got there, she said she had written a letter to Dr. Parker her agent at Bos-

ton, to know how much of his property was in his hands. She showed me his letter, by which it appeared he had given no answer. She seemed to be very much put out with her agent. I went home. The next morning I went to see her, and advised her to get Capt. Atkins to undertake for her; and he did undertake for her directly after, and always conducted her business to her satisfaction, as she always said when she mentioned the subject to me, which was a great many times—called him a good man, an honest man, and the like, which were terms familiar to her.

In October last, after Mrs. Badger had been sick with the head ache, and had got better, I was at her house, and went into her chamber. She there said that she was willing to wait her time to die, but had no will of her own as to life in this world; and relating to her estate, she said that she should never alter her will again. She was very feeble, but was so as to walk in her chamber. In December last, 20th day, a few days before I heard there was a new will, I went to Mrs. Badger's house to see her, and if she was capable of answering, to put a few questions to her, how she could turn off her old friend and agent Capt. Atkins. When I got there, Mrs. Sanger said Mrs. Badger was better. She said she sat up, and put one knee over the other alone. Mrs. Sanger went away. Mr. Noyes and myself were in the parlor about one hour. He said he was going to see Mr. Esty, and invited me to go with him, but I declined; then he said he would carry me home, which I also declined. Mr. Noyes went away; I went into the kitchen and sat there; the men folks said it took six to move Mrs. Badger, one to her head, one to her feet, and four to her body.—A woman, I thought to be Mrs. Greenough, said Mrs. Badger was going to sleep, and that they would tell her I had been there.—The 11th day of January last I was there, and saw Col. Sanger in the parlor; went into the chamber where Mrs. Badger was, and saw her; but she being so weak and low, I thought it too late to ask any questions.

Mr. Noyes was at my house on the 15th January last. He said it was no new thing relating to the alteration of Mrs. Badger's will, for it had been in contemplation years—yes, years.

The last time I was at Mrs. Badger's was the 16th January last. Went to see whether she was living. Anna Moore said Capt. Atkins' folks had been up chamber five or six times after they were forbidden. Martin Bacon, one of the attendants, said

to Anna, " You are wrong ; I don't know that any body has been forbid." Anna said she did not think there was much odds, when they knew they were not wanted up. Martin Bacon said it was no new thing, as he understood, as to Mrs. Badger's altering her will ; she had it in agitation a considerable time. I asked who said so ? He said Jane. I said to him I knew what Mrs. Badger said to me last October, as well as Jane did.

On Sunday evening, 10th February last, Dr. Thayer was at my house and asked me if I did not remember his saying something to me the 20th December last, as to an invitation to go up chamber to see Mrs. Badger, when I was sitting *in the kitchen?* I said to him, I was not invited up by any one. I then asked Dr. Thayer, if, in taking the first minutes of Mrs. Badger's last will, whether her farm was not given to Capt. Atkins ? He said it was, and he thought he ought to have it, and was for compromising the matter ; but Capt. Atkins would not make any proposals. On Monday following, being the 11th February last, Mr. Noyes came to my house and said, he heard Dr. Thayer ask me to go up chamber when I was *in the parlor* with him, which is not true, as I never saw Dr. Thayer in the parlor with us at that time, as I can recollect ; the Dr. has since told me he does not recollect being in the parlor with us at that time. I was very anxious to see Mrs. Badger, and am certain no one asked me to go up chamber ; but I thought I discovered that those present wanted to get rid of me.

Question by counsel for appellant. Did you write a will for Mrs. Badger ? If so, when ; and what were the contents ?

Ans. I wrote a will very soon after the decease of Mr. Badger, and I think before the appointment of Capt. Atkins as agent ; a thousand dollars or more was given to the Episcopal church in Boston, of which Mrs. Badger was a member ; a less sum, I don't remember how much, to Mr. Noyes's church in Needham ; a small sum, I think, but am not certain, to the female asylum in Boston, of which she was a member ; four or five hundred dollars to Mrs. Fanny Biglow ; and the residue to the Rev. Mr. Greenough of Newton. Mr. Noyes had nothing given him in that will, nor any other person, that I recollect, except as above mentioned. [Note B.]

Question by same. You say good man, honest man, and the like were terms familiar to Mrs. Badger. Did she use such expressions generally to her acquaintance ? Ans. She did.

Question by same. Did you often hear her speak of Capt. Atkins and his family, and was it with approbation or otherwise?

Ans. She often spoke to me in the highest terms of Capt. Atkins; said she didn't know what she should have done if it hadn't been for Capt. Atkins; called him an honest, faithful man, &c. This was the case uniformly, from the time he took charge of her business, so far as I know.

Question by the same. Do you know whether Mr. Greenough and Capt. Atkins have been on good terms or not, for some years past?

Ans. I believe they have not.

Question by the same. Did you ever hear of any reports against Capt. Atkins as intermeddling with Mrs. Badger's business, till the time of her last sickness.

Ans. No; and even in her last sickness being unwell myself, I do not remember hearing much about it.

Question by the same. Did you ever hear that Capt. Atkins' family treated Mrs. Atkins' mother ill in her last sickness?

Ans I heard the report last winter, and not before.

Question by the Counsel for Appellees. Have you not usually heard Mrs. Badger speak in terms of friendship and esteem of Mr. Noyes?

Ans. I have, but in no different than she used in speaking of her neighbors generally.

Question by same. Did you for a course of years think and expect that Mrs. Badger would give Mr. Noyes something handsome in her will?

Ans. I never heard her intimate any thing on the subject, but I always hoped she would.

Question by same. When Mrs. Badger thought she had been ill treated by any one, did she usually discard them entirely?

Ans. I do not know whether this was usually the case; but I think that it was so in some instances.

Question by same. Was not you invited to see Mrs. Badger the first time you called on her in her last sickness, by Dr. Thayer, or Mr. Noyes, or both of them, and did you not say she was very sick, and you could do her no good, and declined going into her chamber?

Ans. I did not say so, and was not invited by either of them.

Question by same. Did not Capt. Atkins express a wish to you to get away some of Mrs. Badger's friends, and what did he say on this subject?

Ans. I never heard Capt. Atkins express any such wish.

Question by same. Did you not tell Mr. Noyes in Mrs. Badger's house, some of those persons who were with her in her last sickness, Capt. Atkins did wish to get away ?

Ans I do not know ; but I told Mr. Noyes that Capt. Atkins was offended with Mrs. Sanger, but that he was friendly to him, Mr. Noyes.

Question by same. Did not Capt. Atkins express a wish that Mr. Noyes should stay and pass the nights with Mrs. Badger ?

Ans. I do not know that he wished he should, but he was willing he should.

Taken before Jona. Maynard, Esq. September 28, 1832.—Present Mr. Noyes. Dr. Thayer and Capt. Atkins.

(Signed.) HEZEKIAH BROAD.

The appellant rested his case on this evidence, and the appellees called their witnesses.

Rev. WILLIAM GREENOUGH.—I knew Mrs. Badger several years before she married Mr. Badger. My first wife was his daughter. They were married in 1790. I often visited them, and they us ; kept up the acquaintance after Mr. Badger's death. On the 15th December, 1821, Miss Holbrook, who was passing in the stage, told us Mrs. Badger was very sick ; went to her house with Mrs. Greenough after dinner ; she was very ill ; so ill, that my wife offered to remain over Sunday. I felt anxious, and went again on Monday, and again on Thursday ; found her very low ; was tranquil as to her spiritual concerns ; told me she did not expect to recover ; said she was going to be turned out of doors. I told her that could not be done. She said, "my family." Saw her again afterwards several times ; she expressed great regard for me. I saw her six times in all—said she gave Martin Bacon and Henry Coolidge $100—now she had given them one hundred dollars more ; this was the Thursday after Christmas. I generally found her low, quite sick. I saw nothing like alienation of mind ; at one of these times, she said Capt. Atkins had charged her 25 dollars a quarter for doing her business, and she had given him 25 more. When I took leave of her, she said she hoped to meet me in a better world ; she alluded to former difficulties between her and myself—said she thought hard of me at the time, but was convinced I was not in fault. Mr. Noyes and his wife were very intimate there before Mr. Badger's death and since. He died in 1803 ; she wished Mr. and Mrs. Noyes to

visit her with us—used to sit in their pew—has once and again expressed a great affection for Mr. and Mrs. Noyes, and spoken of him in high terms as a man and a minister; he used to journey with her often; sometimes his wife with them; once to Mendon —once to Nahant—once to a wedding. She used to dine with us and bring Mr. Noyes and his wife—have no knowledge that she ever made provision for Mr. Noyes by will. She was very inquisitive to know people's opinion of her; she said our Saviour wished to know what people said of him.

The day after the will was made, I asked Mrs. Biglow what was in it—said she did not know; that some one came while she was reading, and interrupted her—said Mr. Noyes could tell.

At the Probate Court, one morning, Mrs. Biglow told me, in answer to my question, that she knew of no undue influence on Mrs. Badger—do not know whether it was before or after she testified—I made minutes of the principal facts as they occurred.

Cross Examined.—Did not inquire what made her think she should be turned out doors—supposed she had heard reports to that effect—I thought Martin Bacon had 100 dollars in the former will; am sure she mentioned *him* as I have stated—'tis so on the minutes which I took of the conversation—my memory is considerably impaired, and I took minutes on that account.

Mrs. LYDIA GREENOUGH.—(Wife of last witness)—have known Mrs. Badger, ever since I was a child—I went there with my husband, as he has stated—I stayed at Mrs. Badger's request —Mrs. Biglow was there—said she was glad to see me—as she needed some one who knew the house—she said Capt. A. had desired her to go home—that her family needed her—that she must tell Mrs. Badger so, and she would send her home. Mrs. Badger wanted some gin that evening; Capt. A. said he had some that was very nice—man went with him and got some—she was very sick; Mrs. Leach and Mrs. Cook watched that night—they went away in the morning. Mrs. Badger wanted the horses harnessed in the carriage for them to go to meeting. Sunday, I feared she would'nt get through the day. Mrs. Badger had been always particular as to visitors; they must always be announced; they were admitted or not as she said; I don't know myself that any one was refused. When Capt. Atkins came, they would ask her if he might come up. She would pause and say, "yes;" but

she said but little to him—would say she was very sick. I went home the day before Christmas—saw her again after the will was made; she said she was under no obligations to Capt. Atkins—that he could not keep his own secrets—that he had too much art to disguise his art—said he was going to turn her out of doors—Mr. Greenough said he could not do that; she said, "my family, which is the same thing:" She said, "when Atkins took my business 18 years ago, I gave him one hundred dollars; when he went to Boston to get money, he charged 25 dollars, and I always paid him double; I am under no obligations to him; I always paid him faithfully for all he has done; formerly I had given to my people in the kitchen one hundred dollars—now for their extra services two hundred."

Capt. A. came in one Sunday evening, (Dec. 16) said he was sorry to see Mrs. Sanger there; because she was a very talkative woman; he thought the fewer the better. I replied that no more were present than were necessary, and that we had all been very still. Next evening he came again. Mrs. Sanger was supporting Mrs. Badger. He said to Mrs. Sanger that Mrs. Atkins or Mrs. Cook would come and watch. Mrs. Badger asked what he said. Mrs. Noyes asked her if she would have Mrs. Cook to watch. She answered "no—I don't want any body; tell Jane not to let any body come into my room to night." Then said to Mrs. Sanger, or Mrs Noyes, "I pray don't let any body come into my chamber to night; give me a stick, and if I want any body I will rap." Her conduct at this time appeared very singular. Jane went down stairs, and gave directions accordingly. At nine o'clock Capt. A. came, and said whether the old lady lived or died, he would see why he was locked out of the house. Mrs. Badger was offended at this. The next morning Mrs. Atkins came into the chamber—the old lady was very faint, and Mrs. Sanger was supporting her. She said she came to see why they should be locked out—spoke quite loud—I feared she would disturb Mrs. Badger. She said she could take as good care as Mrs. Sanger. Mrs. S. said Mrs. B. wished her to stay, and she should stay. Mrs. Badger was asked by Mrs. Sanger if she would have Mrs. Cook come and take care of her? "Oh! No! No! I don't want Mrs. Cook; can't you stay, Mrs. Sanger? must you go to day?" "Yes Ma'am; but if you wish, I will endeavor to return in the afternoon." "Oh my dear Mrs. Sanger, don't stay a moment longer than you can help." She asked for her once or twice be-

fore she got back: Mrs. Atkins appeared angry; walked backward and forward—refused a glass of wine which was offered her; said she saw she was not wanted, and went out. Dr. Thayer used to come in every day. Mrs. Badger was very anxious to see him; she had always before been averse to doctors.

Wednesday, December 19, she was better; perspired freely. We gave her a little gin mixed, and wine; little at a time; minced her meat, as if for a bird. Sunday before Christmas, we endeavored to persuade her to go to bed; but she refused; seemed anxious to live; and said, "do my dear let me live till tomorrow; you don't any of you know the weight on my mind; the business that must be done to morrow; business that requires wisdom and prudence; which I can't do myself, but must have gentlemen to help me." No reply made—no gentlemen present. I was astonished to hear her speak so much. Jane said, "do ask her what business she has to do." I said "no." The first day I went there, she asked what was the difficulty in the kitchen—she often gave directions about making the beds—about dinner, &c. and appeared rational—heard Mrs. Biglow say that Atkins said he would give Mrs. Leach ten dollars a week, rather than have such a crew about Mrs. Badger.

One Saturday, Mrs. Badger said to Mr. Noyes, "don't leave me, sir." He said, "it is sabbath tomorrow, ma'am." "Well sir, come as soon as you can; come tomorrow after meeting." On Tuesday, (Dec. 18,) she said, "don't leave me to night, sir." Mr. N. said he would not. From day to day she would say, "do come again this evening." Always heard her speak of Mr. and Mrs. Noyes in terms of regard. She often said, "if I envy any body any thing, I envy parents their children. I expect Mr. and Mrs. N. will be by me—I love them, and have provided for them." She was a very timid woman, especially when riding—kept her keys under her pillow. Mrs. Biglow said she stayed in the chamber when the will was signed—did not know what was in it—said she took up her glasses to read, but some one came in; heard her say at the Probate Court, as my husband has testified. I was always very intimate with mother Badger. My husband's first wife was Mr. Badger's daughter. On Thursday the 27th December, Mrs. Badger was very sick, and sleepy. I saw nothing which indicated insanity in Mrs. Badger, at any time during her sickness.

EZRA MORSE.—Lived with Mrs Badger 3 years, beginning in 1802—she made a number of wills: I witnessed to three wills, while I lived there—never knew the contents. Lived after that, 10 years in Natick, about 3 miles off—now live in Sherburne—Saw her in March 1821—was asking me if I had ever heard any one, say any thing about her affairs. I told her that I had that very day—that Isaac Biglow told me, that her property was going into Captain Atkin's family—except some small part—she said, "my property is not gone into Capt. Atkin's family—in fact I now mean it never shall—for as times and people alter, I am determined to alter—I have made a number of wills since you lived with me, and have been raising Capt. A. higher and higher, till I do believe he thinks he has got about all, as Mr. Biglow has remarked."—She smiled, and said, "I do believe if I live much longer, my wills, will be as numerous as my friends."—She then said, "Morse, at the time you lived with me, you had dealings with Col. Sanger; I want to know if you did not always find him o be a fair, upright dealing man?"—I answered yes—she said, "if this table was as full of money as it could hold, I should as lief he would take it without counting, as to count it to him myself."—She spake of Mrs. S. said she was one of the best women she ever knew; she loved her as she should if she was a child of her own; she had thought a great many times, if she should be taken sick, she should rather trust herself with Mrs. S. than any person she ever knew. As I was going, she said, "stop; I want to tell you more. There is all my help in the kitchen are bitter against Capt. A. and you know if any body finds fault with my people they find fault with me. If things go on so, I shall be allowanced. But I am determined they shall not. I will have Capt. A. to know that I have yet an undoubted right to do with my property as I see fit." She then followed me to the door, and said, "I have told you many things which I never told before; and don't you speak of them so long as I live."

Cross examined.—I went from home early in the morning to go to mill. and called at Mrs. Badger's to breakfast. I had not been there for two years before. I did not tell what passed between me and Mrs. B. till Col. Sanger, one day at his house, was asking me about my living with her. I then told him of what took place as I have now related; *he took it down in writing;* this was *before* the Probate Court; desired him not to summon me to that

court, as it was disagreeable to me. Never had any difficulty with Capt. Atkins. Mrs. B. told me that Capt. Atkins said I had not been faithful. I gave Col. Sanger no reason for telling him. I told it to him as a friend. I heard of the dispute about the will soon after it was made. I had no conversation with Col. Sanger afterwards, till I was summoned to attend here; I was summoned by a constable; do not know his name; it was the first of last week; the summons was left in my absence; found it on the table; never told my folks of it; suppose they did not know it; silver money was with the summons; cannot tell how much. I did not see Capt. Atkins the day before the town meeting. I can't say that Col. Sanger took down my testimony the *first* time I talked with him; but it appears to me he did. I think no one was with us; don't remember what was said before he took it down in writing. I believe I was summoned. I took down in writing what Mrs. Badger told me as soon as I got home; nobody requested me to do it; never showed it to Col. Sanger; didn't bring it with me; have not seen it since last week; it is on a sheet of paper at home; it contains the substance of what I have stated; think I could find it.

The appellant's counsel here desired the witness to go home and get the paper, and offered to furnish conveyance and an attendant. Witness said he felt too unwell to go. On being pressed, however, he consented, and each party sent an attendant. The next morning he produced in court a paper which the attendants agreed he found in his house; it was the lower part of a half sheet; the top being torn off after it was written upon, and the remnant began thus:

"He supposes as matters now stand about all your property as going into Capt. Atkins' family; but he says he hopes that you will live long enough to have the Lord open your eyes that you may find that family out, and take your property away and give it to some body else; for there isn't a family in the town of Natick is so deceitful to you as Capt. Atkins' family is behind your back. Mrs. Badger then says, "Morse, my eyes are already open; my property is not gone into that family yet." Then she makes a small pause, and after says "I mean that it never shall go into that family. Then she says, "Morse, at the time you lived with me you had tradings with Col. Sanger." Here is the end of the first side; the other side also begins in the middle where it is

torn off. "Should rather trust myself with Mrs. Sanger, to be taken care of, than any other person I ever see." When I got up to come away, Mrs. Badger gets up and says, "Oh Morse, you don't know how put out I am with Capt. Atkins for his behavior at the town meeting yesterday. I had rather given five hundred dollars than had him behaved as he did at the town meeting yesterday; it would been no more than a straw." She then followed me to the door, and says, "Morse, I have told you things that I never told to any body before, and don't you speak of them so long as I live." Then we parted.

IRA FULLER.—Lived with Mrs. Badger from 1814 to 1818. Went away one year—returned—stayed till her death, Saw her every day before taken sick and after, and almost every night of her sickness. On the 24th December she told me she wished a mahogany coffin, and to be buried at the Episcopal Church at Newton, and to be buried in the church way. Next day she said she had a great deal to do, and but little time to do it in; said she had not expected to have it to do. The attendants on Mrs. Badger were Mrs. Noyes, Mrs. Biglow, Mrs. Sanger, Mrs. Greenough, Anna Moore, sometimes Jane Smith, Martin Bacon and Henry W. Coolidge and myself. We had to lift her often. On the 5th January 1822, she asked what I intended to do about staying another year. Never heard her say any thing about disposing of her property. I was commonly about the house—never knew any one refused admittance, unless she directed it. I asked her if Benjamin Atkins and Sarah A. Cook might come up, and she said she was too sick to see any body, and I did the message.—Soon after she was taken sick, Capt. Atkins and John asked me if the old lady knew Martin Bacon was there. Said I supposed she did; never told the old lady of this, but think I did tell some of the family. Two or three years ago Capt. Atkins had advised us not to cut the young wood for the fires. Mrs. Badger told me one day to cut young round wood for her fire, and if any body asked me the reason, to tell them to ask her. Don't remember telling any one of this. Her sight was bad some time before she was sick; did not know people, except by the voice; couldn' see to count money herself. Always had a regard for the Atkins' family till she was taken sick; never heard her say any thing against them. Capt. A. was frequently there in the course

of the summer, transacting her business as usual. Never saw any alienation of mind but once, till a few days before her death, and that was when she awoke from a soun l sleep. I didn't go to her for directions after she was taken sick. Capt. Atkins told me to get every thing that was necessary, and if I wanted money, to come to him. Mrs. Badger spoke very highly of Mrs. Sanger. She had not come there much till the three last years. Mrs. Badger said Mrs. Sanger had been very kind to a black woman; that very few would have been so kind. I have carried her to Co'. Sanger's. Mrs. S. called often. Mr and Mrs. Noyes were very intimate; never heard any of the legatees say any thing against Capt. Atkins to Mrs Badger, nor any thing about disposing of her property. I went to Abraham Biglow to ask him to go for Slack. Mr Noyes sent me. I told Biglow I did not know what the business was; told him to bring Mr. Slack as quick as he could. Capt. Atkins came the next day; was angry with me for not telling him; said it was not friendly; told him he was gone to Boston; that I did not know, but Mr. Slack had parish business with Mr. Noyes. I have no interest in this cause; have received a note against the executors in payment of my legacy, and have given a release; no secret understanding—the note is to be paid at all events.

MARTIN BACON.—First lived with Mrs. Badger thirteen or fourteen years ago; stayed three years In a year or two after, I went again and stayed a year and an half. I went there again the day she was taken sick to work a few days. I was sent for to go; she told me to go home and come right back and stay. I did so, and was there till her death; watched with her almost every night. Sunday evening, December 23, I was in the chamber; she exclaimed, "Oh. how they jump down—I have done with this world." Some time before her death, say ten days, she was deranged. She appeared better after that Sunday evening; used to talk with me. On Christmas morning she said Mrs. Atkins had said she would see who had a right there; told me she had a great deal to do, and little time to do it in; wished to know if there was a fire made in the parlor, and spoke about making the beds; said she always paid John Atkins for every thing he did; if they had been easy a little while, they might have had the whole of her property; but now they might

lose it; never knew any one kept out but by her general directions. She told me one day to tell Benjamin A. she was so sick she did not wish to see him; if he would come up, Mr. Noyes must come with him. I did not deliver the message, but met Dr. Thayer and told him. Dec. 10, John Atkins, jun. came into the chamber. I got up to go out as had been my custom—she told me to stay; when Mr. and Mrs. Bigtow were in the chamber, as they have stated, I heard Mrs. Badger say she was satisfied with her will, Dr. Thayer asked her the question. Dr. T. and wife, and sometimes the children used to visit there. Mrs. Thayer was a great favorite. Mrs. Sanger never came without bringing her some good thing or other. Dr. Thayer was often there during her sickness; took breakfast, dinner and tea there; never knew Atkins refused admission before she was sick; have known him knock at the door. When she made the exclamation, "Oh how they jump down," I don't know whether she was asleep or awake. She was inquisitive, quite irritable, and very easy to be turned against any body.

HENRY W. COOLIDGE.—Went there first in 1813, and lived there three years; was then absent eight months. I returned the day she was taken sick. On the eleventh, she agreed with me to stay a year from the next April; saw her nearly every day; assisted in taking care of her day and night; did not hear any strange remarks till about 7 days before her death. She directed about family affairs. It was her custom to know who had called before they were admitted. Always spoke well of Mr. Noyes and Col. Sanger and their wives; and also of Dr. Thayer and wife. Mrs. Thayer often there and her children. A few days after the will was made, heard her say that Capt. A. and Benjamin were angry with her; never heard Mr. Noyes, Col. Sanger, or Dr. Thayer say any thing against Capt. A. In 1819 I heard she had given me a legacy which I was to have if I lived there when she died. In the evening of the 9th December, I was at Capt. Atkins', and he was desirous that I should go back and live with Mrs. Badger. I used to read to her often when she was well; said she could catch a line now and then. The day before she died, Mrs. Sanger asked her if she would give Mrs, Jackson any thing? told her if she would name any sum, they would pledge themselves to give it. She said "No."

LORING BACON.—Lived there from April till her death. Monday before she died was wandering. Conversed with her every day ; asked about my going to school ; how I learned, &c. wished me to go to school ; this was before making will. I knew when she made her will ; her health was better at that time ; after that, she said Capt. A. and Benjamin were very angry with her.

ANNA MOORE'S DEPOSITION.

This witness was present; but was so deaf, that her deposition was read by consent.

I *Anna Moore*, of lawful age, do testify that I lived with Mrs. Sarah Badger, late of Natick, deceased, twenty-two years next before her death, with the exception of thirteen months. I lived with her the whole of the last year of her life. That I saw her every day during her last sickness, excepting one or two. Until the last week of her life, I never discovered any unsoundness of mind. During the last week of her life she would sometimes, when she awaked, appear a little wild and disordered in her mind, but would soon become rational, and appear bright and sensible as usual. Till the last week of her sickness I had never discovered any symptoms of mental derangement, or weakness of mind, but that she appeared as rational, and attentive, and sharp about her affairs as she had formerly been. The first night she had watchers, being on Thursday night, I watched with her. She said she really believed Esq. Atkins wished her dead, and so did his family, for her property. I observed it was natural. She said she hoped they would not burn her to death as they did the old Indian. She said Esq. Atkins was very kind ; he offered to let Mrs. Atkins and Mrs. Cook stay with her, but she did not want them ; and if they did come, that I must stay with her and not leave her. I said I would not. Mrs. Badger said Miss Holbrook was so kind as to offer to watch with her ; but she did not want her ; for if she had her, she must also have Mrs. Atkins.—On another occasion, afterwards, Mrs. Badger persisted in refusing the offers of Mrs. Atkins and Mrs. Cook to watch with her. Mrs. Cook, with Esq. Atkins, came to Mrs. Badger's house and offered to watch. I spoke before I thought, and told Esq. Atkins the door was locked. He said is the door locked ? I said, not as I know of. The next day after this, Esq. Atkins and his wife

called to see Mrs. Badger. After they were gone I went up to her chamber. She said she was very much dissatisfied with what Mrs. Atkins said to Mrs. Sanger, for coming to her house and ordering Mrs. Sanger away. She said nobody should order in her house while she lived. She said she never wished to see Mrs. Atkins again while she lived. This was before the last will was made. After this last interview with Mrs. Atkins, Mrs. Badger ordered me not to let any of Esq. Atkins' family come into her chamber. She asked me why I had let Sarah Cook come into her chamber. I told her she went without my knowledge. The week before she was taken sick she asked me if Ira Fuller knew that Esq. Atkins said he was *poxed* lazy. She said she did not like to have any body speak ill of Ira, for she had always loved Ira, and always should. She said it was none of Esq. Atkins' business; she never had any thing of him but what she paid him for; and if he did any thing extraordinary, she paid him double. It had always been Mrs. Badger's orders not to let any person into her room without first giving her notice, and no one was ever excluded from her presence without her direction, to my knowledge. She sent for me to come into her chamber the Sunday before she died; asked me if I wished to go to meeting—if I did, she said I might have the horse and chaise, and a man to drive me. She said the horse and chaise was not in the power of Esq. Atkins now, but in Col. Sanger's. After the last will was made, she said to me that she wished me to remain in the house after her decease; that she had hired Henry. I told her after she was gone, there would be new regulations. She said nobody would dare to alter what she had directed, and that her bible taught her she had a right to do what she pleased with her own. I had often heard Mrs. Badger speak in terms of esteem and affection of Col. and Mrs. Sanger, the Rev. and Mrs. Noyes, and Dr. and Mrs. Thayer. She said last summer, that during my absence she believed she should have died if it hadn't been for Mrs. Sanger. I never heard either of the above named persons speak a word to Mrs Badger against Esq. Atkins or any one of his family. Mrs. Badger, after her last will was made desired me, after her death, to tell Capt. Atkins that he had not wit enough to keep his own counsel; that the Lord was on her side; that the righteous should flourish, but the wicked should be cut off.

Question by appellant's Counsel.—At the time you heard Mrs. Badger say she believed Esq. Atkins wished her dead, did you

enquire who had been talking to her against Esq. Atkins. Answer.—I did not.

Question by same.—When did you first hear Mrs. Badger speak against Esq. Atkins or his family?

Answer.—She seemed to be a little out with them about a week before her last sickness.

Question by same.—When did you first know that Mrs. Badger talked of making a new will?

Answer.—I never knew any thing about it, nor mistrusted it till the witnesses came in.

Question by same.—How much of the time was Mr. Noyes with Mrs. Badger during her last sickness?

Answer.—The Friday after she was taken sick. Mr. and Mrs Noyes came, and he was with her most of the nights and sometimes all day.

ANNA MOORE—*her mark.*

Taken by Amos Allen, Esq February 11, 1822. Present, Capt. Atkins and the three Executors.

JANE SMITH.—About three years ago I went to live with Mrs. Badger; her help was sick, and Mrs Sanger sent me there—staid four weeks and returned to Mrs. Sanger—told Mrs. S. that Mrs. Badger wished me to return, and I went immediately back. I agreed to wait upon her and do what she bid me. When she asked me any question I was to give her a direct answer—always attended upon her in her last sickness day and night; she asked me a great many questions—told me to see the bed made up for Mr. Noyes. In the fall before her death, she was sick with a head-ache, of which she never perfectly recovered—heard Sarah Cook say she thought that head-ache would carry her off. I told Mrs. Badger of this. At another time, soon after, I heard Sarah say, as she went down stairs, "she is worth half a dozen dead old women yet;" and I told it to Mrs. Badger. She said it was just like Sarah Cook—that she was a mischief making girl. Mrs Badger desired me to tell her what people said about her—told her I was not brought up to tell tales; she said she depended on me, as she could not go about herself—that our Saviour desired to know what was said about him; upon this I consented to tell her. Capt. Atkins called when she had the head-ache, and asked what she ate and drank. I told Mrs. Badger of it. John

Atkins Jun. asked why they burnt round wood, and I told Mrs. Badger—don't remember what answer she made. Before her sickness, she said she had made a will, but could make another—that Mr. N. should have authority there—said she was thinking what she should do for Mrs. Sanger—said something about Col. Sanger's doing her business. Before she was taken sick, she told me to remember how Capt. Atkins's folks treated Mrs. A's. mother in her last sickness; and she said the same thing to me when I asked her if Mrs. Cook should come and watch—said folks talked about the treatment at the time. She was angry about Mrs. Atkins coming into her chamber—said she came without leave. I never heard any people about Mrs. Badger tell her any thing against Capt. Atkins or his family. Mrs. Biglow said if she had a quarter part of the personal estate, I should have some of it. I heard her talking with Mrs. Badger about the property, on the day she has mentioned. Mrs. Badger said the will was made, and spoke for itself. Mrs. Biglow tried to make me remember the answer as she has stated it; but I do not remember it. She said her husband wanted the executors should give him a writing. Mrs Badger told me Mrs. Noyes was the first acquaintance she made in Natick—that she always loved her—said Mrs. Sanger had been very kind, and she had not paid her yet.

Cross-Examined.—I had been but a short time in this country when I went to Mrs. Badger's. Since her death, I have lived with Mrs. Sanger—never told my promise to tell what people said, to any one except Mrs. Sanger. Mrs. Badger said I might tell her, for she was her particular friend—believe I told her what other people said beside Capt. Atkins' folks—do not recollect any instances at this time.

Re examined.—The night before the will was made, Capt. Atkins said, "it will be well for you and all, if the old lady should die;" and said he was going to provide for her funeral. I told Mrs. Badger of this.

TABITHA LEACH.—Mrs. Cook and I watched Saturday night, (Dec. 15.) Mrs. B. waked in the night, and spoke of having the carriage harnessed. I thought her out of her head at the time, but she mentioned the same thing in the morning; she spoke about breakfast, and about going to meeting. I do not

now think she was out. Mrs. Cook said in the night, she wondered who was going to have all that property. On Christmas day, Capt. Atkins said she was sensible of her illness—was as bright as ever.

Rev. SAMUEL B. SHAW'S DEPOSITION.

I, Samuel Brenton Shaw, of lawful age, do testify and say, that my acquaintaince with Mrs. Sarah Badger commenced about the last of March, in the year of our Lord eighteen hundred and twenty one, and terminated on the sixth of December of the same year. During the above interval, I had many opportunities of seeing and becoming acquainted with her. As often as circumstances would justify I visited her house, and on two occasions remained with her several days. With regard to the state of her mind during the above period, I testify and say, that her faculties were remarkably bright for one so far advanced in life, particularly when exercised in conversing upon events of former years; and her observations upon books that were read to her, and upon facts that were related to her, manifested a mind capable of thought and discrimination. That her memory was somewhat impaired, was very evident from her own complaints of the same, and from other circumstances. The last time I saw her was in company with others, and as her attention was very much divided, the conversation which took place was of too general a character to be very long remembered; her remarks however, as I took leave, upon the changes that were perpetually occurring, upon her infirmities, and the probability of her not continuing long upon earth, proved her capable of reasoning upon facts, and of inferring from the same important consequences. This last visit was on the 6th December, when I remained with her about two hours.

As it respects the estimation in which she held the families of Col. Sanger, Mr. Noyes and Dr. Thayer, she always spoke of them as friends, to whose kindness and attention she was much obligated, particularly with regard to the two former; nor did I ever hear her say any thing to their disadvantage, from which to infer that their friendship and attentions were not acceptable. In fact she always appeared grateful for the most trifling services performed by her friends, and pleased whenever conversing about them.

Question by counsel for appellees.—Have you ever heard Mrs. Badger say any thing respecting her providing for Mr. Noyes, or giving him any property?

Answer.—I heard Mrs. Badger, speaking of Mr. Noyes, and his kindness and attention to her, say that she hoped that after her death he would not consider her as having been ungrateful; from which I inferred, that she either had or intended giving something handsome to him. She never mentioned any thing about a will at this or at any other time, in connexion with any individual.

Question by same.—Have you ever heard Mrs. Badger name Mrs Sanger, the wife of Col. Sanger, and what did she say about her?

Answer.—I have often heard her speak of Mrs. Sanger as an active capable woman, and one in whose welfare for particular reasons she felt interested; she said Mrs. Sanger had been an inmate in her family, and had been partly educated by her.

Question by same.—Was Dr. Thayer and his family intimate with Mrs. Badger?

Answer.—Dr. Thayer and his wife took tea with Mrs. Badger at her house once, and perhaps more while I resided in her family; and I have frequently seen Dr. Thayer there, and I believe also Mrs. Thayer. I have also seen Mr. and Mrs. Noyes frequently at Mrs. Badger's house, and considered Mrs. Badger on intimate terms with them.

Question by same.—Did you ever hear Capt. Atkins say any thing relative to any provision made by Mrs. Badger for the Episcopal Church in Newton?

Answer.—I heard him say either that she had provided handsomely for the church, or that she probably would do it.

Question by the counsel for the appellant.—Did you suppose he referred to a provision by will?

Answer.—That was my impression, but he might have alluded to a temporary support of public worship in the church; but I do not recollect whether any thing was said about her will or not.

Question by same.—Did you often see Capt. Atkins and his family at Mrs. Badgers, and did she seem to be attached to them?

Answer.—I have often seen Capt. Atkins there with his family, with the exception of Mrs. Atkins; I do not recollect seeing her there but once. Mrs. Badger appeared to be attached to the

family. She often spoke of the family, and particularly of Capt. Atkins and his grand-daughter Sarah Cook, and always with approbation. Before Capt. Atkins became her agent, she said she was dissatisfied with the manner in which her business had been conducted; but since he became her agent, it had been conducted to her satisfaction. She always expressed herself under great obligations to him, for his fidelity in conducting her business; she also spoke of Sarah Cook's kindness in coming to read to her on the Mondays of every week.

Question by same.—Please to state any facts that showed the decay of Mrs. Badger's memory.

Answer.—On one occasion she complained of me for not having been to see her for three months I had been to see her six or seven weeks previous. On another occasion, she said she had not been out of her house for a year. She had been with me at a wedding within two or three months previous, as I think. These are the only facts from which I could infer that her memory was impaired; in other respects her faculties were remarkably good.

Question by same.—Did you write her a letter before her death, and by whom did you send it?

Answer.—I did write a letter to her about two days before Christmas, and sent it by the Rev. Professor Adams, of Providence, an Episcopalian clergyman. It was a letter of introduction, and it stated that if she wished to have the sacrament administered to her by him, he would probably do it.

SAMUEL BRENTON SHAW.

Taken before Amos Allen, Esq. August 28, 1822. Present the executors and Capt. Atkins.

ISAAC MORRILL.—I was at Mr. Leach's, Christmas day. Capt. Atkins said Mrs. Badger was very weak and low, and could not continue long; said she had her reason, and seemed to have her senses more perfectly than before she was sick. Mrs. Atkins' mother died ten years ago; it was reported at the time, that she was not treated well. I was her physician, but know nothing about the truth of the reports.

DANIEL HARTSHORN.—Mrs. B. made a will about 1806. Capt. A. and Mr. N. were exccutors—have heard her say, "as times alter, I alter." I have known of three wills and a codicil. I witnessed them all in the course of one year.

TIMOTHY WALKER.—I lived with Col. Sanger some time—saw Mrs Badger often during the last three years of her life—she used to call Mrs. Sanger "a dear child, a dear woman, a blessed woman;"—used to send word by me to have Mrs Sanger call and see her—she appeared to be very fond of Mrs. Sanger. I knew that Mrs. S. sent Jane Smith there.

GRACE HOLBROOK.—In September, 1821, Mrs. B. told me there were three persons that would like to do her business—Col. Sanger, Mr. Noyes, and William Greenough; but there was no one she preferred to Capt. Atkins; he always came the day before, and not the day after. I was there Saturday, December 29. Mrs. Biglow told me Mrs. Badger was put out with Capt. Atkins when she first went there—said Mrs. Badger wished Mr. Noyes and his wife to stay. I told her Capt. Atkins was much put out, and wished to know the cause of the alteration. She said I might tell him Mr. N. and wife were not the cause of it. Before her sickness, Mrs. Badger sent Jane for Mrs. Sanger. This was both the last summer and the summer before. She said she is an excellent hand to take care of the sick. *I was there the day she was taken sick—said she wished Henry W. Coolidge to be sent for to come back—that he had a provision in her will which he was not to have unless he lived there when she died.* I was in often when Mrs. N. and Mrs. S. were there—do not remember that I was ever left alone with her; it was her custom to have her visitors announced before admission. Capt. Atkins was excepted from this ceremony—never heard her say any thing against Capt. Atkins or family. After the will was made, I heard Dr. Thayer tell Capt. Atkins, if she lived a fortnight it was likely she would undo all that was done.

POLLY NEWELL—*sister of Mrs. Sanger.*—Took charge of her family while she was at Natick in Mrs. Badger's sickness; she was generally at home from Saturday till Sunday evening or the next morning. When Mrs. S. was quite young, Mrs. B. took a great liking to her. When Col. Sanger and his wife were gone to the eastward, she sent for me to come and bring all the family —used to tell me to bring all the dear children. She treated me always very kindly, and often said, "I love you for the sake of your dear sister; she's a dear woman, a dear child—do tell her to come and see me oftener."

The counsel for the appellees said they had closed their evidence, and the counsel for the appellant proceeded to introduce some further testimony which he thought had now become material.

SARAH HOLBROOK'S DEPOSITION.

I Sarah Holbrook, of lawful age, do testify and say, that about fifteen months before Mrs. Badger's decease, I was at her house and spent four days with her. Speaking of her former difficulties, after Mr. Badger's death, she remarked how well Capt. Atkins had transacted her business—that he had been so faithful and so kind to her—if he had all her property it would be none too much for him. I have always heard her speak in praise of all the family, and recollect particularly her speaking of Mrs Atkins, that she was a good wife and a good mother. A few days before Probate Court, Mr. Noyes came to inquire of my daughter Grace, how Mrs. Avery (Mrs. Atkins' mother) was treated. She answered him, she was not acquainted with the family at that time. Mr. Noyes went on to tell that she was not well treated. (Note H.) I remarked I was there in her sickness, and she was well treated. I was sent for to come and assist in taking care of her in her sickness by Capt. Atkins's family. I went there and remained until her death. Although I assisted all the time in taking care of her, I never discovered she was afflicted with any sore, nor was it known till after her death—when Dr. Thayer remarked it could not have been painful or she could not have kept it concealed. Respecting her treatment all the while I was with her, good care was taken of her, and the family labored to contribute to render her comfortable as possible, and she was well

treated in every respect. It is now twelve years since her death. The deponent further saith not.

SARAH HOLBROOK.

Taken by Wm. Goodnow Esq. November 23, 1822. Present Capt. Atkins and Dr. Thayer.

SARAH A. COOK—*called again.*—Mrs. Badger was very particular in receiving her company that they should be announced—do not think any one was exempt from that ceremony, except our family. I always went in without her knowledge, and the others of our family did the same, as far as I ever knew. I never said what Jane has related about dead old women, or any thing like it.

Mrs. SARAH JACKSON—(*daughter of Mr. Badger.*)—I visited her in May before her death. She spoke of Capt. Atkins and family as I had always heard her before, in a very friendly manner. They used to come in frequently ; dined and supped there occasionally They used to go in and out as members of the family without any ceremony. Mrs. Badger was very formal with others. Mrs. Greenough was not a favorite with Mrs. Badger ; they had some difficulties that did not seem to be forgotten. She was also very unfriendly to me at times. She was a difficult woman to please. She was a singular woman, very unstable. Her constant attachment to the Atkins' family was an exception to her general character. She was very lavish of endearing expressions to all her acquaintance who did not displease her. She would call them dear children and good creatures, and other names of that sort.

SARAH G. BIGLOW.—I was often at Mrs. Badger's—two or three times a week, sometimes to read to her, and sometimes on a visit. She was very fond of Capt. Atkins' family ; I never knew her attachment to any of the family interrupted till her last sickness. Jane came in once and said, "Capt. Atkins is here ;" excepting this, I never knew any ceremony used with the family. *I have heard Dr. Thayer say that my mother* (Fanny Biglow) *told*

the truth at Probate Court so far as he knew—though she told some things he did not know. He said at another time, that when Mrs. Badger made the will, *he thought she intended to have my mother share with the rest;* but that he had altered his opinion since.

THE DECREE OF THE COURT CONCLUDES THUS.

"And after a full hearing of all the matters urged by the parties and due deliberation thereon, the Court is of opinion that the said instrument *was not freely and voluntarily signed* by the said Sarah, and published as her last will and testament; but that the same was *procured* and *obtained* from her by *undue influence and persuasions, and by* FALSE *representations of the conduct and declarations* of the said John Atkins, the residuary legatee and devisee in a former will made by her.

"It is therefore considered by the Court here, and ordered and decreed, that the decree of the Judge of Probate, allowing and approving the said instrument as the last will and testament of the said Sarah Badger be REVERSED, and that the said instrument be SET ASIDE, and taken to be NULL and VOID."

I, JOHN ATKINS, testify, that I removed with my family into the neighborhood of the late Rev. Mr. Badger, of Natick, in the year 1794, and was on friendly terms with him and Mrs. Badger till the time of his death, which was about the last of August, 1803. About two months afterwards, Mrs. Badger took tea at my house. I walked home with her in the evening. She said she had something to communicate, and at her request I went into the house. She burst into tears, and said she had need of a friend to whom she could reveal herself, and in whom she could place confidence. I expressed my willingness to befriend her. She then gave me a particular account of her pecuniary affairs—said she had released all right to her husband's estate, for reasons which she stated, and was wholly dependent on funds which were in the hands of the Rev. Dr. Parker, of Boston. She com-

plained that she could not ascertain the amount in his hands, and wished me to become her agent in his stead. I state the fact without thinking to cast any imputation on Dr. Parker's memory. I desired her to give me a letter to Dr. Parker on the subject. She replied that she could not write herself, but would sign any thing I wished. As it did not seem proper to me that the letter should be in my hand writing, I proposed that Mr. Noyes should be called, and he wrote precisely what I directed, and Mrs. Badger signed it. These circumstances are of little consequence except to correct the view which Mr. Noyes has given in the first page of his affidavit. My settlement with Dr. Parker met Mrs. Badger's approbation, and she desired me to continue her agent, and made me many promises which I did not expect from her. Twice afterwards, I requested Mrs. Badger to appoint some other person in my stead. The first time was about 1809 or 1810. The late Marshal Prince, of Boston, offered me the command of a valuable ship and cargo, in a voyage to the Mediterranean; and I declined the offer entirely on Mrs. Badger's account. She would hear nothing of it. She said she had been trying to see if she could do without me—had let some others do some trifling things; and added, "but no one gives me the satisfaction that you do; and if you will stay at home and take care of me, I will give you as much as you will make by going to sea, and you will run no risk. I am under obligations to no one but you, and I shall never take my business from your hands so long as you will do it." I do not pretend to remember her exact words, but am sure I have expressed the meaning.

If Mrs. Badger made false promises and false statements to Mr. Noyes, as he would have it believed, I can only say she has uniformly kept her word with me. In all her wills, made after I was her agent, from that of 1803 or 1804, to the will of 1819, which has been established as her last will, it has either been proved by witnesses or admitted by Mr. Noyes, that I had a very handsome provision. I never saw any of her wills till that which Mr. Adams, of Framingham, drew in the winter of 1816–17. I was present at the making of that will, and it was sealed up and delivered to me, In that, Mr. Noyes had the tomb and books and Mrs. N. the plate and household furniture. The farm, stock and farming utensils were given to me, together with one half the remainder of her estate; and the other half to the late Shubael

Bell Esq. of Boston, in trust for the Episcopal Church at Newton. And Mr. Bell and myself were nominated executors.

In June, 1819, Mrs. Badger told me that Mr. Bell and Mr. Curtis, the two pillars of the church at Newton, as she called them, were both dead, and she was afraid what she had given would not be rightly appropriated. She said *she had been told* the church was much embarrassed and would be broken up; that she meant to make another will, and desired me to go again for Mr. Adams. He attended on the 19th of June—took the minutes from her mouth, and drew the will from them. As Mrs. Badger had only told me that she intended to give me more without intimating how much. I was surprised at hearing the extent of her bounty to me, and thinking there might be some mistake, I desired her to state the items a second time; and she did so without any variations. She then assigned the reason of her generosity to me, as is expressed in the will itself.

As many false statements have been made in relation to improper influence exerted by me on Mrs. Badger, I think proper in this place to declare most solemnly, that I have no recollection that I ever said a word to her against Mr. Noyes, the Church, or any other person, whom I suspected to be a contemplated object of a legacy, unless in relation to Rev. Mr. Greenough, respecting a claim which Mrs. Badger and he submitted to referees, and which I managed as her agent; and nothing more on that occasion, than my situation rendered necessary to the discharge of duty. I never intimated to her the propriety of giving any thing, by will or otherwise, to me or any of my family; nor did I ever consult with her in relation to the making of any of her wills. If I could be supposed to have had a disposition to indulge in slander, or to give gratuitous advice to promote selfish views, I knew Mrs. Badger too well to have adopted that course with any hopes of success. She never would endure detraction, and was extremely fond of managing her own affairs. Whether some others have lost her good graces by not knowing her so well, I cannot assume with certainty to state.

I never discovered or heard of any thing like dissatisfaction or coldness in Mrs. Badger towards me, from my first acquaintance till her last sickness; but continually saw much to convince me of her entire attachment and confidence.

The manner in which I conducted Mrs. Badger's affairs, and

the amount of my charges, will better appear by receipts and papers now in my possession, and open to the inspection of all, than by any statements which have been made, or by any thing Mrs. Badger on her death bed has been *made* to say. That I charged twenty five dollars a quarter and received fifty, is not true. Before 1812, I charged twenty dollars a quarter. In that year I took charge of a distinct fund of about $7000, which had been in the hands of the executrix of Dr. Parker; half the interest was due to Mrs. Badger during her life, and the other half to her cousins by the name of Laughton, to whom also the principal was to belong at her decease. The earnestness with which Mrs. Badger insisted on my taking the charge of this fund is known to the Laughton family, and to many other persons now living; though Mr. Noyes says in his statement, (page 11,) that "not far from 1811, she contemplated a transfer of her agency,"—and represents his interference as being all which, at this time and once afterwards, saved me from being discarded. After 1812, I charged twenty-five dollars per quarter; but that "she always doubled the sum and paid me fifty," is false; nor do I believe that Mrs. Badger, while in her senses, ever said so.

On the 8th December, 1821, I saw Mrs. Badger. She told me she should not be here long—that she had no wishes of her own, and was ready to stay or go. She then told me where I might find a particular key. I saw her again on the 11th; she was quite unwell, boistered up on the side of the bed. I spoke about Coolidge's coming back to stay with her—"Oh yes," said she, 'I wish him to come immediately; I shan't be here long, and you will want somebody to take care here." If there was any difficulty in the kitchen at this time, on my account, I heard nothing of it, nor have I been able to learn what it was. I told Ira Fuller, about this time, to let me know if money or any thing else was wanting, which he agreed to do; and he said he sent to Mr. Noyes contrary to Mrs. Badger's orders.

I desired Dr. Thayer to call on her as if accidentally, and see if he could not persuade her to take something to relieve her difficulty of breathing. I uniformly went to see what was wanted, as I thought my duty; she had often given me confidential instructions what to do if she should be sick, and said she had told the family that I should know what to do. Under such circumstances, I could not believe the truth of the messages which soon

began to be brought, that Mrs. Badger did not wish to see me.

On the 17th December, I went into the chamber—found Mrs. Noyes, Mrs. Sanger, Mrs. Greenough, and Mrs. Biglow, and there were six beside in the kitchen. Mrs. B. was very sick, and I only asked her how she did. As they were conversing about watchers, &c. I proposed that my daughter Cook should watch that night, and they agreed to it. I went to the house with her about half past eight. Anna told us Jane had been down and left word that Mrs. Badger did not want any watchers; that they were all gone to bed; that the chamber door was locked, and nobody must go in. The next day I went to enquire the reasons of such treatment. Mrs. Sanger said she did not blame me; that she told Mrs. Greenough there would be difficulty; that she (Mrs. S.) was only an interloper there; that she never expected any of Mrs. Badger's property, nor did she want it.

On the 23d December, (Sunday evening) I saw Mrs. Badger for the last time before the will was made. I asked Mr. Noyes what he thought of her? he said she was very sick, and he believed she did not expect to live till morning, and had requested him to stay all night—I told him he had better. Excepting this, I never said any thing to Mr. or Mrs. Noyes about staying there either by night or day. He invited me into the chamber once during Mrs. Badger's sickness, and once only.

On Tuesday the 25th Dec. I went to the house in the evening, but did not see Mrs. Badger. Mr. Noyes asked when I was going to Boston. I told him, the next day. He asked if I should stay over night, and I told him I thought not.

On the 26th I went to Boston and returned. I went to the house in the evening, not suspecting that a will had been made. Ira Fuller told me Col. Sanger was in the parlor, and I had better go in there. I went in, but finding no one, I went up into the chamber, where I found Col. Sanger, his wife, and Mrs. Noyes. Mrs. B. was bolstered up in an easy chair, and appeared either stupid or drowsy. Nothing was said, till after a little while, when she roused up so as to ask who was there—Mrs. Sanger said "Capt. Atkins, ma'am," and no answer was made. Mrs. S. said she named me because Mrs. B did not know that her husband was there—she added that Mrs. B. was *very sick*, and we gentlemen had better go below, which we did. Col. Sanger then told me that he should not have come up from Boston, if it had

not been for a paper which he wanted. The committee of the legislature for making a new valuation of property was then in session, of which he was a member. I asked him if he had been to Sherburne? he said no, he should do without going—that he had intended to have returned a part of the way that evening, but had concluded to stay till morning. I afterwards learned that Mrs. S. sent him a letter that morning.

On the 27th, I was satisfied that a will had been made; or at least something that was called so. I asked Ira Fuller what Mr. Slack had been there for? he said, he was treasurer of Mr. Noyes' parish, and he supposed they were doing some parish business.—I saw the Rev. Mr. Eaton of Boston, and Miss Bell there in the evening of the same day. I went into the chamber as they went out. Mrs. Sanger remained with me in the chamber. Mrs. B. was bolstered up on the bed; Mrs. S. sat behind with her arms around her—I asked Mrs. B. how she did; she spoke with great difficulty—said she was dreadful sick. I told her I understood she had been signing a paper, and asked her if she knew what it was; I repeated it two or three times before she was able to say any thing. At last she made out to say, (if I did not misunderstand her) "it was what they wanted me to sign." I told Mrs. Sanger I believed she *had* signed what they wanted her to sign. Mrs. S. said I had no claim on Mrs. B.—if I had done any thing I had got my pay, and Mrs. Badger did say something of the same kind. Some other words passed which were not of much consequence, and which I cannot now recollect. I *did* ask if I had not done her business well and faithfully for eighteen years; and this probably led Mrs. S. to say I had been paid for it. I believe I was inconsiderate enough to remind her, in her weak state, of her promises to me, and to speak of a future retribution, and I might say that I had remembered her in my prayers; but very little could have been said on any subject; for I was not in the room, I should think, more than eight or ten minutes, and Mrs. Badger was unable to talk. It is not true that I atttempted to take hold of her hand, and that she refused—nor did I perceive that she took hold of Mrs. Sanger's hands, or that she was frightened—nor was I sensible of speaking in a loud harsh voice; but as my feelings may be supposed to have been excited, I shall make no assertion on that charge. I did not say she *pretended* to be weak, but was well enough yesterday to sign a pretended will

nor any thing like it ; nor did I ask whether it was her will, or some body's else ; nor did I ask why she did not send for me.— And it is utterly false, that she said, "It was my will, sir ;" and I have no remembrance that she asked, "Have I not a right to do what I please with my own, sir ?" She did not say, "I will not hear you ;" but she did tell me she was so sick that she could not talk. Nor did she or Mrs. Sanger say a syllable about making me be still, or making me go away. And nothing was said either by me or Mrs. Badger about coming again in the morning.

On the 29th December, I had an interview with Mr. Noyes ; He calls it a "tender" one ; but I did not so understand it. Our conversation was alone, for he refused to talk when any of his family were in the room. He said I had brought myself into trouble, by interfering with the domestics, and offending Mrs. Badger ; and that Mrs. B. told him I had prejudiced her against him, and that was the reason she had treated him so cooly since 1819. I replied, if Mrs. Badger ever told him so, she was deranged. He said, no, she was still bright, and had her senses. I told him, if she was so, we had better go to her together, and ask her a few questions. I urged this proposal, but Mr. N. declined going. He also told me in the course of the conversation that he found there was strange or dreadful doings (I am not certain which) at Mrs. Badger's, when he first went, and that he told Mrs. Noyes they must keep their mouths shut. I told him I thought hard of him that he had not informed me of the false stories which had been carried to Mrs. B. against me, and that as he could not have believed them true, it was his duty to have endeavored to undeceive her ; he only replied, that I did not send for him when she made the will in favor of me. I did not say to him that he had relieved my mind, nor that I did not think hard of him ; I was not at all satisfied with his observations. I expressed no hope that he was well provided for, nor said any thing like it ; nor did I say that I did not want the property, and had enough to live comfortably without it ; but probably I did express the idea that I valued my character more than the property. As for my "leaving his meeting" I did not leave it at the instigation of Mr. Eaton or Miss Bell, as Mr N. would seem to suspect ; nor did I leave it alone. It is not for me to state the reasons of others ; but I stated my own to Mr. Noyes, viz ; that his conduct had been such that I could not hear him preach.

On this day also I went with my son, Benjamin Atkins, to see Mrs Badger. Mr. Noyes told us that Mrs Badger said she did not wish to see us, and we must not go up stairs; I asked him how she knew we were there, and he replied he supposed she heard our voices! We however went into the chamber, and I saw nothing in her manner or language which made me suppose we had violated her directions in so doing. When I spoke to her, she exclaimed, "May the best of Heaven's blessings rest on you and your family, Amen and Amen." She then said, "Oh! Capt. Atkins, I never could have thought it of you." Thought what, Ma'am," said I; she answered "That I was to be turned out of doors next morning." As I was making some reply, Dr Thayer was much agitated, and patting me on the shoulder, said she was too sick to bear it: that we must leave her, and come again. During this, Mrs. B. sunk down and appeared quite insensible. As we left the room, I took hold of Mrs. Noyes' sleeve, and looking her in the face, said I was astonished at the depravity of human nature. She did not speak a word that I heard, while we were in the room. Dr. Thayer promised Benjamin that he should see Mrs. Badger in the afternoon: he (Benjamin) told me that he called and was refused admittance. It is not true that Benjamin clasped Mrs. Badger round the neck, and whatever Mrs. Noyes may have "thought," I *know* that he did not kiss her. [Note I.]

I shall now state what took place in the presence of three of my family, on the 5th January, 1822, when Col. Sanger came to demand the will which I had in keeping. Among considerable other smooth conversation, he asked me if I knew the contents of the will which Mrs. B. had lately made. I replied that I had been told that his little son and Dr. Thayer's had two hundred dollars each, and each of the domestics the same sum; and that Mr. Noyes. Dr. Thayer and himself had the rest. Col. Sanger then said, "I will assure you, Esq. Atkins, the tenor of that will, will read very differently." He stated to me that Mrs. Badger wished him to take the will which I had. I told him I did not know that Mrs. Badger wanted it, and should not deliver him the paper; but added, that I was willing to go with him and carry it, if I could be permitted. He made no reply to this proposal.

I never told Mr. Noyes, nor any other person, that he was handsomely provided for in the will which was in my hands; nor

ever made any intimation of that nature, as coming from Mrs. Badger or any one else.

Mrs. Badger did not, as I can remember, either in the summer of 1821, or at any other time, in my presence, speak in high terms of Mrs. Sanger.

I never told any one that I had a power of attorney from the heirs to carry on a suit for them. It is true that I received a letter from Mr. Laughton, in England, one of the heirs, in which he professed to take much interest in my behalf, in my contest; and did not pretend to any expectation as heir at law. I might mention this, and probably did.

Whatever may have been said by those who knew nothing about it, I never did offer directly or indirectly, to any one who was expected to testify in my behalf, any fee or compensation beyond the sum pointed out by law. Mrs. Biglow once said in my presence, that as she had got so little of Mrs. Badger's property, she thought they ought to allow her a dollar a day for the time she attended I replied that I should'nt care if they had to pay her fifty, or words of that import. (Note F.) As to any stories that have been propagated about Col. Adams, having the promise of the farm, they are utterly false.

When Anna Moore's deposition was taken, she stated before the magistrate, though it is not inserted in the deposition, that she had received a note against the executors in payment of her legacy, and had given a discharge; and that the note was to be paid at all events, whether the will stood or not, and Col. Sanger was present. On the 25th November last, I heard her say she had given up the note without receiving any thing, and that she had done right; for she promised Col. Sanger when the note was given, not to take the money if the will did'nt stand.

On the 15th February, 1823, I received a letter from Mr. Noyes, of which a copy may be inserted in a note. I did not go to his house as requested in the letter; but I understood there was a meeting there at the proposed time, and I saw Col. Sanger and his wife pass my house homeward in the afternoon. (Note K.)

As to the scandalous insinuations relative to the ill treatment of Mrs. Atkins' mother in her last sickness. I shall only say, that after her decease, a sore was discovered which probably hastened her death I have every reason to think it was unknown to her physician and to every other person. What reports were

circulated at the time, I know not; but if they were prejudicial to me or my family, we were very much wronged; and if Mrs. Badger ever heard or believed the reports, she never mentioned them to me; nor, so far as I ever heard, to any of my family. (Note H.)

It was my intention to have either admitted, denied or explained all the charges, which the principal legatees and their wives have made against me. Owing however to their great number, and to the want of method in their statements, I have been obliged to select but a part; and lest I should be considered as admitting the rest, I think proper to conclude by saying that some of them are true, others much colored and distorted, and a considerable number entirely without any foundation in truth.

JOHN ATKINS.

MIDDLESEX, ss. August 17, 1824. Then John Atkins, Esq. made oath that the foregoing affidavit by him subscribed, is true.

Before me,

SAMUEL FISKE, *Justice of the Peace.*

In addition to the foregoing affidavit, I think proper to state other facts not within my own knowledge, but for which I am responsible, and will prove them when called on.

In October, 1821, Mrs. Badger told Mrs. Thayer, the wife of Dr. Thayer, that she felt she had not long to live, and that she was ready to go at any time, and that her business was all settled. She at the same time mentioned several cases in which I had relieved her in difficulty; said that I knew her whole heart; and if she had a dozen children, she should rather leave them with me than any one else

On the 5th December, 1821, Mrs. Badger told Dr. Thayer and his wife, she had a difficulty with Jane about a dollar bill that was lost—that she sent for me as she always did in trouble, and that I told her it was not best to trust strangers too far; and that Jane was very angry with me; and that we knew nothing of Jane but what she said of herself.

Mrs. Badger always treated Mrs. Biglow with great respect, visiting her, and sending for her with her most respectable company; and their friendship was never interrupted, except for a few months in 1819. Mrs. Badger gave Mrs Biglow the rich and elegant gown in which she was married to Mr. Badger, which was not visibly worn or defaced. Excepting this, it is not known that she ever gave her or her children any "*old*" clothes; but she did give some new ones to her daughter Sarah Griffin Biglow, who was called after Mrs. Badger, at her request; these consisted of a suit when she was baptized, and of clothes when she attended a private school; she also paid her tuition.

On the 12th December, 1821, Mrs. Thayer called on Mrs. Badger; she told her "I had informed her of her sickness, and was waiting to hear how she was. Mrs. Badger exclaimed, "Dear good man, I love him." I mention these circumstances, only to show how false is the pretence that Mrs Badger was "*put out*" with me *before* her last sickness.

On the 14th December, 1821, Mrs. Thayer spent the afternoon in Mrs. Badger's chamber, and she is confident she did not leave it till she went home after tea. Mr. and Mrs. Noyes came in soon after her arrival. When Mrs. Badger was told of it, she looked disappointed, and Mrs. Thayer mentioned it to Mrs. Biglow. They seated themselves by Mrs. Badger, took hold of her hand, and talked a great deal, which seemed to displease and distress her. When Mrs. Thayer went down stairs, she mentioned the manner in which Mr. and Mrs. Noyes had been received, and Jane said when she was sick in the fall, she actually ordered them out of the room. Mrs. Thayer is very sure that Mrs. Noyes was not requested to call in Mr. N. and that nothing was said by Mrs. Badger about "*difficulty*;" that my conduct was not mentioned, nor even my name—that Mr. Noyes was not desired to talk with the kitchen folks, and that Mrs. Biglow said nothing in the chamber nor in her hearing, of Mrs. Badger's being dreadfully put out with me or my family, when she first came there; that Mr. Noyes did not pray, nor did she hear Mrs Badger request it. She is confident that nothing of this kind could have taken place in the chamber. On the contrary, as she had been for many years and still was very friendly to Mr. and Mrs. Noyes, she was hurt to see the treatment they met with, and mentioned her feelings to her husband, her sisters, and to Col. Adams the same evening. On

the same day, Ira Fuller told Mrs. Thayer he did not know but he had done wrong in sending to Mr. Noyes, as Mrs. Badger had told him not to—that he sent by their marketer merely to tell him she was sick; but if Mrs. Badger knew it she would be offended. Mr. Noyes also told Mrs. Thayer that Ira Fuller sent to them by their marketer.

On Friday the 28th Dec. Mrs. Thayer called to see Mrs. Badger—she was full of grief—she said she had never had any difficulty with me for 18 years and never expected to have any till she heard how I talked; but *that* made her feel. After sitting silent some time, she took off her cap—said *there was a sore on it—called for a rag*—then gave Mrs. Thayer the cap to see if she could find the sore—then gave it to Jane; her mind seemed entirely gone. Jane told Mrs. Thayer not to speak of it, and added, "*We don't speak of such things on account of the will.*"

During the last sickness, Mrs. Thayer told Mrs. Badger she had heard from Mr. Shaw, an Episcopalian clergyman, who had spent some time with Mrs. Badger; she exclaimed, "dear man! I love him! where is he? how is he?" Jane said, "*You must not tell her such things—she is so fond of church folks. Mr. Adams has been here from Providence, and brought a letter from Mr. Shaw; but we did not let the old lady know it—she is so fond of church people.*" After Mrs Badger's death, Mrs. Thayer took a letter from behind the glass. Mrs. Noyes said it was a letter from Mr. Shaw—and that *they never let Mrs. Badger know it came.*

Twice during Mrs. Badger's sickness, Jane told Mrs. Thayer *she heard Mrs. Badger tell Mrs. Biglow that she shared equally with the Executors in her personal property.* The day Mrs. Badger died, Mrs. Biglow said to Jane, "you must remember what you heard Mrs. Badger say;" and Jane answered, "*I shan't remember, I shan't remember.*"

On Saturday morning, Jan. 19, Col. Sanger told Mrs. Thayer that Mr. Noyes had made a proposal to him that morning that he readily complied with—That if Mrs. Biglow would be still till the will was set up, they would leave it to men to see what she should have, unless they could agree with her. Mrs. Thayer then told Col Sanger she had heard Jane twice say that she heard Mrs Badger tell Mrs. Biglow that she shared equally with the Executors in her personal estate. Mrs. Sanger expressed great astonishment, raised both hands, and ran to Jane in the

kitchen. Mrs. Thayer called to Mrs. Sanger to bring Jane into the room. Mrs. T. then told Jane what she had said to her, as stated above. She appeared confused; and said Mrs. T. was mistaken. She told Jane she had been acting two parts, in telling Mrs. Sanger she *did not* hear, and telling her she *did* hear the conversation between Mrs. Badger and Mrs. Biglow. Mrs. Sanger soon went out with Jane. When they returned, Jane said *she did not hear Mrs. Biglow's question to Mrs. Badger.* Mrs. T. thinking she might be mistaken in her accusation, told Jane she had spoken hastily and was sorry ; and soon after went home. But recollecting that Mrs. Badger was very deaf and that she spoke with difficulty, and that Mrs. Biglow must have spoken quite loud, she thought it impossible that Jane could have heard Mrs. Badger's answer without hearing Mrs. Biglow's question. She therefore returned immediately and repeated the accusation to Jane in the presence of Mr. and Mrs. Noyes, Col. Sanger and his wife, Mrs. Biglow and Dr. Thayer. Jane was standing at a window in the parlor, and the others were sitting round the fire examining Mrs. Biglow to know what she knew about the will. Mrs. Thayer heard but little of their conversation; but, as they were leaving the room for dinner, Mrs. Biglow observed that people said the will would be broke, and she should tell the truth.— Mrs. Sanger replied, "*the will cannot be broke, unless one of the party turns states evidence, and I hope we have no traitors among us.*"

The same morning Mrs. Sanger said she never expected any of Mrs. Badger's property in her life. Mrs. Thayer asked her how she could say so; that Col. Sanger had said that day she always did expect a part of it. "Oh," said she, "I did not know but I might have part of the plate."

On Tuesday, the day after the funeral, Col. Sanger told Mrs. Thayer that she talked very improperly to Benjamin Atkins, the evening before ; he said she told him she hoped he would not entertain hard thoughts of her, as she had not injured his father's family in Mrs. Badger's opinion. She replied to Col. S. that she had not injured them, and had not spoken against them to Mrs. Badger. He said there had been a great deal said, *and every one ought to bear their part.* She replied, she had no part to bear. He said she told Benjamin Atkins she never expected any part of that property. She replied, it was true that she never did ex-

pect any. He repeated that *every one ought to bear their part.*—Dr. Thayer observed that his wife was innocent, and had no part to bear, and that she had no reason to expect any of the property. Mr. Noyes said, "*You weaken your cause by saying so.*"

On the same day the will in my favor was opened. Mr. Noyes took a copy of it, and sent the young men in the kitchen to the barn to read it. I was in the parlor, and he seemed afraid I should know it. He went twice into the kitchen, to see if they had returned from the barn. When they came in with the copy, he took Anna to the further end of the back room and read to her. Then he said, "Where is your home, Anna? where is your home? Well Anna, you shall have a home now, and don't be worried."

On the Saturday after the funeral, Mrs. Sanger called at Dr. Thayer's gate, and asked what had become of Mrs. Biglow. Mrs. Thayer said she had not seen or heard from her since the funeral. Mrs. S. said "*If she goes Atkins' side, she loses all here.*"

The week after the funeral, one of the counsel for the will was taking minutes of Jane's testimony—she said she never knew any one kept from the chamber, unless Mrs. Badger refused to see them; and also that she never saw her deranged till a few days before her death. Mrs. Thayer followed Jane into the kitchen, and asked if she was going to swear to all that was written? She asked, "Why not? what is wrong?" She reminded her of what she had told her about Mr. Adams, of Providence, and also about Mrs. Badger's saying there was a sore on her cap, as above stated. *Jane did not deny it at that time, but the next morning she went to Dr. Thayer's house, and denied that any such thing as Mrs. Thayer reminded her of, ever took place.* Mrs. Thayer told her they were true and she did not wish her to deny them to get property for her. They had many words on the subject. Soon after Jane went away, Col. Sanger went in and said to Mrs. Thayer that Jane had told him what had happened. *He told Mrs. T. it was not her place to correct the witnesses.* She told him if she knew Jane to be incorrect, she thought it her duty to correct her. *He said it was an affair of Jane's, and that Mrs. Thayer had nothing to do with it.* She told him she thought otherwise; Jane had said that which she (Mrs. T.) knew to be false, and she wanted no property gotten in that manner. After some more conversation, Col. Sanger told Mrs. Thayer, *she ought to be very grateful to Mrs. Sanger for the money, as it was owing entirely to her that the will was obtained.*

Some time after the trial in the Probate Court, Col. Sanger called at Dr. Thayer's, and asked Mrs Thayer why she would not come forward with them, and be friendly, and assist them in getting the property. She told him, in the first place, she was turned out from among them for not concealing falsehood, (Dr. Thayer had told his wife after the difficulty about Janes's testimony, that Col. Sanger requested she might not meet with them any more) and in the next place she did not want property gotten unfairly. He said it was Mrs. Sanger's kindness to Mrs. Badger that induced her to make a will, and she ought to be thankful to her for it ; *that it was owing entirely to her that Dr. Thayer had any thing.*

Col. Sanger called again at Dr. Thayer's, as he was going to the Supreme Court. He said again to Mrs T. she ought to be particularly thankful to Mrs. Sanger for that property, *as it was owing entirely to her that Dr. T. was named in the will* ; for Mrs. B. urged Mrs. Sanger and Mr. Noyes very much to take the minutes, but they refused. He said *it was owing entirely to Dr. Thayer's being present that he was thought of.* He said again she ought to feel very gr teful to Mrs. Sanger ; for whether the will was obtained by her kindness *or by influence against Capt. Atkins, it was owing to her*, and at any rate Mrs. T. ought to be very thankful to her. He added that his wife had been censured, and he wanted to clear up her character.

On the 5th January 1822, after Mrs. Badger had been questioned relative to her intentions that Mrs. Biglow should share in her personal estate, Dr. Thayer told Mrs. Biglow in the presence of his wife that *he understood Mrs. Badger to say she was to share with the executors* ; but he said they must feel still and say nothing; for he knew Mrs. Sanger so well, that if he said a word, Dr. Starr would be sent for before breakfast, and they would work him out just as they had her.

When Dr. Thayer returned from Probate Court. his wife asked him how Mrs. Biglow testified ? He replied. "*very correctly ; just as I should myself as far as I knew any thing about it*" He also said several times since the trial on the appeal, *he thought Mrs. Biglow had not intentionally misrepresented any thing ; that her statement was correct so far as he knew, except that she was mistaken in a few little things.*

After Mrs. Badger died, Mrs. T. heard Mr. and Mrs. Noyes

both say, no one ever heard them complain when they were cut off in Capt. Atkins will. (Note L.)

Sometime in March, 1822, Mr. Noyes was in company with Dr. T. and his wife, and Col. Adams. Mr. N. was asked why he did not attend to Isaac Biglow's request to ask Mrs. Badger's intentions towards Mrs. Biglow. He repeated several times, *that he was very sorry they did not ascertain her intentions respecting her;* but it was not put on him to ask the question but on Dr. Thayer. He said that the Saturday morning after Mrs. B. died, he lay and pondered on his pillow what to do for Mrs. Biglow; and concluded to tell her if they could not agree what she should have, they would leave it to men. That he mentioned it to Col. Sanger, and they sent for her; but she came in a hostile manner, and said every body said the will would be broke, and she should tell the truth; so they said nothing to her about it. Mary Biglow told Mr. Noyes that Dr. T. had said many things in the sincerity of his heart very much against the will. He replied, "I know Dr. T. has been imprudent, but Col. S. and I have said nothing." After a long conversation he said, "*I did ascertain Mrs. Badger's mind with regard to Mrs. Biglow; Doctor, I believe I never mentioned it to you, did I? I reserved it to tell on the stand.*" Dr. T. said he never heard any thing of it.

In March, 1822, Mr. Noyes and Dr. Thayer and their wives took tea with Mrs. Adams. Mr. Noyes mentioned the will, and Mrs. Adams said she was very anxious that the matter should be settled, for she thought if there was a law suit his character would suffer, as well as the cause of religion. He replied, "*It has nothing to do with religion; it is strange that such a little trifling worldly affair should make so much disturbance.*" [Note M] Mrs. T. asked Mr. Noyes if she saw things there which her conscience disapproved, what she ought to do? After hesitating he said "*I refer you to your bible;*" and after a pause added, "THE APOSTLES SAY FORGIVE." Mrs. T. replied, there was iniquity there, and she dared not and should not conceal it.

Dr. T. was very desirous that his deposition should be taken for the trial between me and the heir at law. He met Col. Sanger at Mr. Noyes' on that business, and he said Col. S. was going to write to his counsel; he was asked what Col. S. had to do with that trial, and he replied, that he was concerned in the affair. Dr. T. said he was disappointed that he heard no more from them; *that they were afraid of the truth.* He often said, *his party were afraid of his testimony.*

Dr. Thayer was very anxious for a settlement, and frequently said he would accept of 1000 dollars for his part rather than go to court. He often said he thought he could get Col. S. willing. but Mr. Noyes would not listen to a settlement.

On the 27th January last, Dr. Thayer told his wife, he expected Mr. Noyes there that day to complete his affidavit. He appeared to have lost all confidence in him; he told Mrs. T. Mr. Noyes did not treat him well the last time they met—that he threatened him. Mrs. T. asked how? He replied as he did Major Broad when his deposition was taken—that he should never forget *that* in him. He said *he had dogged him ever since he had been sick, and desired his wife to read to him whatever Mr. Noyes should bring.* Mr. Noyes came in the afternoon. Mrs. Thayer left the room for a few minutes, and when she returned she saw him slip a paper under him as he sat in his chair. He soon said he wished to see the doctor a few minutes. Mrs. T. took no notice of the remark. After a short silence Dr. T. said he should like to see that paper. Mr. N. drew from under him an affidavit in his own hand writing, and gave it to the doctor. He also gave him his own (Mr. Noyes') glasses; with which he tried to read, but was not able, as his sickness had affected his eyes. Mrs. T. tried to look over and read, but Mr. N. put out his hand towards the paper as if to take it away. Mrs. T. proposed to the doctor to read it to him; but Mr. N. said *he* would read it and took the paper before she had opportunity. She gave strict attention while he read, *but has no recollection that he read any thing about Col. Adams.* She told Mr. N. he had left out whole sentences and parts of sentences so as to differ very much from the paper which the doctor had given him, *and that he had altogether omitted the particulars of taking the minutes for the will on the day it was executed.* He only replied, "*Mrs. Sanger has got that;*" (Note N.)—Dr. Thayer was quite sick at the time, and as his wife thought, very much distressed in body and mind. It is not true however that he was thought in immediate danger. He had talked a great deal that day of buying a farm in the country, and moving on to it, and asked his wife if she did not think they could live happily there?

Mr. Noyes went away without saying any thing about death, or in any manner alluding to religious concerns.

After he was gone Dr. Thayer said *he trusted he had done with the will, and hoped they had done with him.*

PHARES SAWIN'S DEPOSITION.

I, PHARES SAWIN, of lawful age, testify and say, that I have been acquainted with Mrs. Badger for thirty years—used to do the marketing for Mr. Badger before his decease. In the month of November, 1820, Mrs. Badger related some difficulty that had existed between a son of Capt. Atkins and a relative of Mr. Greenough. She said Mr. Greenough had called on her and wished her to do something about it—that Mr. Noyes had called on the same errand; and she told them she would have nothing to do with the affair, but that neither of them should injure Capt. Atkins nor any of his family, while she lived. She further said Mr. Noyes meddled with what did not concern him.

PHARES SAWIN.

MIDDLESEX, ss. August 4th, 1824. Then the above named Phares Sawin made oath to the truth of the foregoing deposition by him subscribed before me,

WILLIAM GOODENOW, *Justice of the Peace.*

NOTE.

This is the same Mr. Noyes who would have it believed on his assertion, that Capt. Atkins was the cause of Mrs. Badger's coldness toward *him.* Such meddling as is above stated would be much more likely to produce that effect. If Capt. Atkins had interfered in that manner, the same effect would have been produced on himself; for Mrs. Badger would never listen to slander.

MARTIN BACON'S DEPOSITION.

I, MARTIN BACON, of lawful age, do make oath that I have lived with Mrs. Sarah Badger a number of different times; sometimes whole years, and at different intervals parts of years. She has often sent me during the time after Capt. Atkins to come to her, and he always paid immediate attention to her requests, and ever treated her (as far as I could judge) with kindness. I never knew that he meddled with any of the domestic concerns of the family, or that he made any difficulty with any of her hired help. She placed the utmost confidence in him, and always spoke of him in terms of the highest praise, until her last sickness. I then lived with her, and very often assisted in moving her to and from the bed.

Anna Moore and Jane Smith often had disputes; but I never knew that Capt. Atkins interfered in their quarrels. I do not know that any of the people who attended Mrs. Badger, in her last sickness, were sent for by her.

MARTIN BACON.

MIDDLESEX, ss. August 4th, 1824. Then the above named Martin Bacon made oath to the truth of the foregoing deposition by him subscribed before me,

WILLIAM GOODENOW, *Justice of the Peace.*

HENRY W. COOLIDGE'S DEPOSITION.

I. HENRY W. COOLIDGE, testify, that I lived with the late Mrs. Badger, of Natick, the last three years and nine months of her life, excepting eight months immediately preceding her last sickness. I never knew of Capt. Atkins treating Mrs Badger unkindly or making any difficulty in her family; but on the contrary he gave particular attention to her, and always appeared to treat her with respect and kindness—and she always appeared perfectly satisfied with his conduct. I heard of no disturbance in the kitchen on Capt. Atkins account, at or about the beginning of her last sickness, or at any other time, except respecting a dollar bill which had been lost. Anna Moore and Jane Smith were often wrangling with each other about the affairs of the house; but Capt. A. never to my knowledge interfered with them or with any other of Mrs. Badger's domestics. Ira Fuller told me that he asked Mrs. Badger if he should send for Mr. Noyes, or any body else, and she told him No—and that he therefore did not send for them, but only sent word that Mrs. Badger was very sick. I further testify that I waited on Mrs. Sanger to Sherburne in the forenoon of some day previous to the making of the will; the day I cannot recollect; but think it was the day that Capt. Atkins came with his wife; but I never did at this or any other time understand that Mrs. S. ever ordered her horse to be harnessed to go home except to return soon.

HENRY W. COOLIDGE.

MIDDLESEX, ss. August 2, 1824. Personally appeared Henry W. Coolidge, and made oath that the foregoing deposition is true. —Before me,

JONA. MAYNARD, *Justice of the Peace.*

[Note O.]

NOTES.

[NOTE A. *See pages* 13—26.]

"I did not ask her if she was resigned."

(Mr. Noyes's affidavit—p. 21.)

This is not a very important matter; but is Mr. Noyes sure he did not ask her so? Maj. Shepard and Mrs. Biglow swear that he did. Mrs. Sanger says, (p. 53) "he asked her if she felt happy in her mind, *or words of that import.*" And Mr. Noyes does not state what his question was, but that it was "respecting the state of her mind;" and he says she answered "perfectly resigned!" And Mrs Sanger says the answer was "yes; why should I not?" It surely it is not very becoming in Mr. Noyes to contradict the assertion of two witnesses under oath, and one of them a witness chosen by him, (see his affidavit, p. 16,) without being able to state what the fact was; especially as the difference seems quite immaterial, and the question in either shape is of very little consequence.

[NOTE B. *See pages* 16—35.]

"I presume that no one was let into her plans more than myself. I have seen four of her wills, and was not ignorant of the items of two others. In *all* her wills, *but one,* handsome provision was made for me or my family."

(NOYES'S letter to Madam Biglow—March 23, 1822.)

How true it is that there was but "one" exception, will appear by the trial, and by Mr. Noyes's own statement on oath. The following is probably the substance of all her wills.

1. Very soon after Mr. Badger's death, Major Broad wrote a will, in substance as follows—$1000 or more to the Episcopal church in Boston; a less sum, not known how much, to Mr. Noyes's church; probably a small sum to the Female Assylum in Boston; $400 or $500 to Mrs. Fanny Biglow, and the rest to the Rev. Mr. Greenough.

(See Maj. BROAD'S Deposition—page 33.)

2. Mr. Noyes says (Statement page 9) that Mr. Th. Sawin told him he wrote a will soon after the death of Mr. Badger; in which Mrs. Jackson had $1000 and the rest was given equally to Mr. Noyes and Mr. Greenough, and they were appointed Executors.

3. Mr. N. also says (page 10) that Mr. Chs. Cook told him he wrote a will in 1804 or 1805, in which Mr. Greenough had no legacy; and he is confident that *Capt. Atkins* and himself were to have shared largely, and were appointed executors.

4. Mr. N. says further (page 10) he wrote a will about 1808. That *Capt. A. had the farm, stock and tools*—valued at $5000; and the remainder, valued at 10,000, was given equally to him and a friend in Boston.

5. Mr. N. further states (page 10) that in 1811 he wrote a codicil to the will of 1808, which operated with the will, to give him and family all the property, except 400 as a fund for the use of his church, and *the farm, &c. to Capt. Atkins.*

6. In 1815, Mrs. Badger made another will. In this her tomb and books were given to Mr. Noyes; plate and furniture to Mrs. Noyes; *farm, stock, &c. to Capt. Atkins;* and the rest to the Episcopal Church at Newton.

(See the testimony of Rev. Mr. Eaton.)

7. In the winter of 1816—17, Mr. Adams of Framingham wrote another will. In this Mr. Noyes again had the tomb and books, and Mrs. Noyes the plate and household furniture—*Capt. Atkins the farm. stock, &c* and the remainder equally *to him* and the church at Newton. (See Capt. Atkins affidavit and Mr. Adams' testimony.)

8. The will of 1819, which has been established.

9. The will of 1821, which has been disallowed.

[Note C. *See page* 18.]

The following will serve for a specimen of the manner in which matters were made to "harmonize."

After a while Mrs. Noyes came down and remarked, Mrs. Badger wished to know whether it was perfectly convenient, or something to this effect, for Esq. Slack to call in the morning? I went into the chamber, and Mrs. Badger inquired whether all the evi-

dences were at hand ? I remarked they were sent for, or were in the house. She replied it was best to have it completed now.

(Mr. Noyes's letter to Mrs. H. Biglow, of March 23, 1822.)

This was the time when Mr. N. said Mrs. Badger wished the chamber to be *retired.*

If the principal legatees will publish Dr. Thayer's statement, *as he gave it to them*, it will be seen that even *that* was much more consistent with his confessions, as proved on the trial, than with the representation above given by Mr. Noyes. But this is a part of Dr. Thayer's statement which Mr. N. did not choose to "*embody.*" No wonder the doctor thought "*his statement not full enough.*"

[Note D. *See page* 20.]

On the 14th I heard she was very sick, and *we were requested* to go there. (Mr. Noyes's statement, page 13.

On the 14th December, 1821, *we had information* that she was very sick, and *we were requested* to go to see her.

(Mrs. Noyes's statement, page 32.

On Wednesday the 12th, or Thursday the 13th, I saw Mrs. Badger for the first time during her last sickness.

(Dr. Thayer's affidavit, page 37.

On Sabbath morning, December 16, the young man in our store informed me that *word had been left* that Mrs. Badger was very sick, and *that I was desired* to go down there immediately. * * * * Mr. S. came to her house on Wednesday night.

(Mrs Sanger's statement, page 42 and 53.

I was at her house the evening subsequent.

(Col. Sanger's affidavit, page 61.

These extracts are made for the purpose of showing that neither of the principal legatees nor their wives, who attended Mrs. Badger, have ventured to say they were sent for *by her* Some of them have much to say about previous requests and promises to attend on her if she should be sick, and they represent her as being amazing glad to see them; but they are challenged to prove or even to say that she sent for any one of them Nor is it pretended by any one that Mrs. Sanger or Mr or Mrs. Noyes were mentioned by Mrs. Badger 'till after their arrival, which was af-

ter she had been sick some days; and yet Ira Fuller, Martin Bacon, Loring Bacon, Henry W. Coolidge, Jane Smith and Anna Moore, who belonged to the family, and saw her often; and also Mrs. Leach and Grace Holbrook, who saw Mrs. Badger during that time, were all examined as witnesses for the appellees and are wholly silent on this point.

[NOTE E. *See page* 29.]

Dr. Thayer has not denied that his confessions were made *as testified at Court*, nor has he pretended there was any coloring; but only says *they were made in sport*. But if, as Mrs. Sanger would represent, (page 48) Mrs. Badger, on the 24th December, after giving the farm to Capt. A. wished time to *consider*, and told the doctor to *stop* and put the paper away, what *sport* could there be in concealing these circumstances, and *saying* that Atkins *had got* the farm after all? Or at least it must not be said he was *in sport*, when he *made oath* to the same statement as appears by his affidavit which has been published (p. 38.) who has represented this matter correctly, Mrs. Sanger or Mrs. Biglow? If Mrs. Badger had been so *undecided*, it might have been sufficient, the next day, to have told her some less slander against Capt. Atkins, than the story about his having got her coffin ready!

[NOTE F. *Page* 29—64.]

This was before Capt. Atkins told her he was willing she should be allowed $30 per day for 32 days amounting to $1600.

(Noyes's Affidavit, page 29.)

How does Mr. Noyes know *when* Capt. Atkins said this, or whether he said it at all? Capt. A. and Mrs. Biglow have explained that conversation very differently from Mr. N.; and Dr. T.'s affidavit, by the strength of which Mr. N. seems willing to swear second handed, is expressed very equivocally, though penned by Mr. Noyes, and may be construed in consistency with their explanation. The words are "I am willing *she should have* that," that is, have it of the executors, of whom Mrs. Biglow was speaking.

[NOTE G. *See Page* 29.]

Mrs. B. testified at one of the trials, it is not remembered which, that she went behind the bed, because she felt very uncertain whether Mrs Badger had desired the ladies to leave the room; and that she suspected it was a contrivance of Mrs. Sanger to get rid of her.

How lame is the pretence that she could not know what passed in the room, will appear by a little examination.—Mr. Noyes asserts in his statement (page 16) that he was in *full* view of Mrs. Biglow; of course she was in full view of him; and yet he swears that she could not see Mrs. Badger, who was only "*two feet*" distant from him! beside every one but Mr. N. knows that curtains are not usually fastened together at the corners, nor in the middle, and that Mrs. Biglow might have easily looked through; and he must not pretend that his attention was so much abstracted from the main business as that he could be very certain as to the movements of Mrs. Biglow. This is not all; if Dr. T. sat in the "centre of the front of the bed" and Mrs. Badger in front of him, and so near to him that Mr. Noyes could be *two feet from each of them*, and if Mrs. Biglow was "*behind*" the bed, and the curtains were drawn on the back side *and foot*, it is not possible that she could have been in "full view" of Mr. N. unless he looked through the curtains. (See Mr. Noyes's statement page 16.) But further; Mr. N. in his letter to Madam Biglow, dated March 23. 1822; does not pretend that there were curtains at the *foot* of the bed, but only, that they were drawn close round the backside of the bed."

[NOTE H. *See page* 54.]

It is remarkable that Mr Noyes should have taken such pains to hunt up this old and forgotten scandal, in order to injure Capt. A. and his family, when it is known that, during the whole of Mrs. Badger's sickness, Mrs. Deming, the mother of Mrs. Noyes, who lived opposite to her house, and who was in very indigent circumstances, was also sick, and died a few days after Mrs. Badger. And yet Mrs. N. "was with Mrs. B. through her whole sickness after the 14th December, except going home three or

four times" If their own mother had been rich, and Mrs. Badger destitute, it is possible they might have found an object of tenderness within a less distance than two or three miles. It is true that Mrs. Deming lived and died in the house of another daughter, who without doubt made her mother as comfortable as their circumstances would permit. But it must be conceded, that either Mrs. Deming had too few, or Mrs. Badger too many, attendants.

[Note I. *See page* 63.]

"I *thought* he kissed her. (Mrs. Noyes's affidavit, p. 35.)

That Mrs. Noyes should not be perfectly sure of this fact, though she positively states other circumstances which took place at the same time, is quite excusable; for such an occurrence might not excite much interest in a sedate and sober spectator; but that Mr Noyes, in his statement, (pages 13 and 14) should be able, positively and minutely, to relate the words of the conversation, and all the circumstances attending his reception in Mrs. Badger's chamber on the 14th Dec. and yet should be obliged to add, "I *think* she requested me to attend prayers with her," is indeed not a little remarkable.

[Note K. *See page* 64.]

After the last will of Mrs. B. had been disallowed, the previous will in favor of Capt. Atkins was presented for probate, and was contested by an heir at law, on the ground, that the last instrument, though it had been disallowed as a *will*, might still operate as a *revocation* of former wills; and for this purpose the heir moved the court for leave to introduce testimony to prove the instrument. The motion was not sustained; but if it had been, the legatees might have all been legally admitted as *disinterested* witnesses. It is not believed, and will never be suspected by any one, that the gentleman who acted for the heir had any understanding with the legatees that they should swear money into their own pockets. But how far one of *them* (who though he spoke much of keeping his mouth shut, could never keep his pen still) *supposed*

the case under his own control, may be seen, from the following letter:

"Needham, February 15, 1823.

Sir,

I yesterday received information, that to all probability I, with many others, will be summoned to attend the Probate Court at Cambridge in behalf of the heirs at law. I have not seen any of the heirs, nor have I had any communication directly from them as yet, but expect to soon. You must know that my long and intimate acquaintance with Mrs. Badger must have given me a fair opportunity to know her movements and affairs. I will therefore be honorable with you, and if you will call on me on Monday in the afternoon, I will let you know what my testimony will be. I am writing it, and you may judge for yourself, whether it will be important or unimportant. I do not mean to let any person know what I know on the subject, till I see you; if you call on Monday, I will meet you on christian ground. If you do not come, let me know on Monday morning. I expect to go to town on Tuesday. Yours, &c.

THOMAS NOYES.

JOHN ATKINS, Esq."

As Mr. N. was not authorized to compound for the heir, he must either be supposed to propose this interview for his own benefit, or else to give Capt. Atkins an advantage, by revealing to him testimony which he had hitherto kept a profound secret in his own breast. If the real wish of the legatees was to be brought to testify in court, so as to clear up their own characters, why propose a private meeting with Capt. Atkins to frighten him with what Mr. N. was writing, and so lose the opportunity of appearing on the stand?

[NOTE. L. *See page* 71.]

If Mr. Noyes expected he was provided for in the will of 1819, as he says both Mrs. Badger and Capt. A. told him, what occasion had he or Mrs. Noyes to complain of being cut off? It must be a discontented spirit indeed that repines at misfortunes before they are known.

Mr. Noyes thinks he discovered in Mrs. Badger a great abatement of attachment to him in 1819. This was the year when he learnt from Mrs. Badger that Capt. Atkins was his enemy. This was the year when she first withheld her ministerial donations to him. The truth is as appeared by the Rev. Mr. Eaton's testimony (page 71) he was discarded in the will of 1815, not to favor Capt. Atkins, but the Church at Newton; and from that period had no legacy greater than that of 1819, except the plate and household furniture. Mr. N. was ignorant of the two wills between 1811 and 1819, and consequently discovered a great alteration about four years after it took place! In short, Mr. Noyes's representation of Mrs. Badger is this—that she treated him kindly till 1819; that she then became cool toward him for a time; but afterwards joined with Capt. Atkins in deceiving him, by pretending that she had provided well for him by will! that he believed their lies and "*therefore*" was willing to trust Providence!

[NOTE M. *See page* 71.]

I desire gratefully and humbly to acknowledge the hand of Providence. It is Providence that has done it; and what Providence has begun, I firmly believe Providence will complete. * * * * * * * * * * * * * * *

I do know it was the design of my friend that I should have that property, nor do I know one single circumstance, if nothing but the truth is told, can operate to invalidate that *sacred* instrument. The supposition is natural that it would be a pleasing circumstance *to all serious people especially*, that the poor Levite in your gates should be comfortably provided for.

(Mr. Noyes's Letter to Madam Biglow, of March 23, 1822.)

By "serious people" Mr. Noyes must be presumed to mean "*Him that backbiteth not with his tongue, nor doeth evil to his neighbor; nor taketh up a reproach against his neighbor; in whose eyes a vile person is contemned, but who honoreth them that fear the Lord; that sweareth to his own hurt and changeth not; that putteth not out his money to usury, nor taketh reward against the innocent.*" It is therefore very difficult to imagine why "*serious people especially*" should give any countenance to taking money from Capt. Atkins, and giving it to Mr. Noyes; and particularly as it was only a little trifling worldly affair, and had nothing to do with religion."

[NOTE N. *See page* 72.]

"A few days after the minutes were taken, the three persons who sat by Mrs. Badger, committed what passed on the subject to writing, while the observations were fresh in their minds. * * * * * * * * * * And we three harmonize substantially in this statement." (Mr. Noyes's letter to Madam Biglow.)

"*tres littore cervos prospicit errantes ; hos tota armenta sequuntur a tergo ; et longum per valles pascitur agmen.*"

If Dr. T. had reduced the particulars of taking the minutes to writing as stated by Mr. Noyes, harmonizing so wonderfully with himself and Mrs. Sanger, what motive had he to substitute, in Dr. Thayer's affidavit, a *general* statement, instead of the *particulars* which the doctor had handed him ? The conclusion is irresistable, that if Dr. Thayer made any such minutes, they differed materially from those of Mr. N. and Mrs. Sanger, and would probably support the testimony of Mrs. Biglow.

But suppose the minutes of the three should be found to correspond—the matter then stands thus: Here are the three persons who have set their hearts on Mrs. Badger's property—they have shut out the whole world, except Mrs. Biglow, who refused to go out. And under these circumstances the minutes are taken, *from which alone* Mr. Slack draws a will which gives them almost the whole of the property. In a "few days," they discover that Mrs. Biglow intends to "make difficulty"—or, as Dr. Thayer called it, "*let the cat out of the bag*". Some "*precaution*" must be taken. They say to one another, "there are three of us, and Mrs. Biglow is but one ; we are all persons of great "*reputation for veracity*," and we have nothing to do but to commit our stories to writing, and then we shall harmonize." It is true that Dr. Thayer is all this time stating the circumstances to divers persons, as being very different; but this was only to make sport ; and after Mrs. Biglow had testified at Court, he said, both to his wife and Mrs. Biglow's daughter, that she testified correctly as far as he knew ! was this for sport too ?

Mr. Noyes swears that he "*embodied*" Dr. Thayer's testimony, COPYING what he had put into his hands. Let him exhibit the papers in the doctor's hand writing, which he says he copied.

If it were true that Dr. T. wished to add to his affidavit the important matters stated by Mr. Noyes, (see his statement page

30.) what prevented when the affidavit was sworn to? There was time enough, and an intelligent magistrate was present. Why was the subject not mentioned at least? Mr. Noyes must not say he was too sick; for though his deposition is called "his dying declaration," and such awful solemnity is cast over the scene, that one almost imagines the oath to have been administered by Death himself; yet Mr. Noyes says, "I found him apparently as comfortable as I had seen him in the course of the winter!"

[NOTE O. *See page* 74.]

A few concluding remarks shall now be made. Suppose Mrs. Biglow's testimony out of the case. Suppose Mrs. Thayer had consented to "be friendly," and to "feel grateful" to Mrs. Sanger, and that Dr. Thayer had "kept *his* mouth shut."—In short, suppose there were no evidence of any management in Mrs. Badger's chamber during her last sickness—still the case would wear a most mysterious character. Here is a woman 81 years old, exceedingly capricious, very deaf, and nearly blind; attacked with a lung fever, which in a few weeks is followed by her death. Capt. Atkins and his family have been for many years her constant and most intimate friends; almost the only case in which Mrs. Badger ever continued an uninterrupted attachment. During the preceding season particularly, there is abundant evidence that her partiality was unabated, and that she contemplated dying soon with a will in his favor. At the commencement of her last sickness, as the appellees proved by Grace Holbrook, she sends for Henry W. Coolidge to return to her family, *that he may be entitled to his legacy in that will.* Certain people, from other towns, come about her unexpected—get possession of her house, and take the control of her family. Access to the chamber becomes very difficult, and the man who has long been, and still is her agent, her old, most constant, and intimate friend, with his family, is particularly guarded against. At the end of a fortnight, a new will appears, giving the whole of her property to the very persons about her, and to none others. Two of the principal legatees *had never been named* in any of her numerous wills, and the other had long been out of favor, having had but a trifling legacy since the year 1815. While the man who so lately was deep in her affection, who was to have almost the whole of her estate, and who for 17 years had a liberal provision in *all* her wills, without being invited to any explanation, or rather without being charged with misconduct, is wholly discarded, and not even named in the will! What man, who values a good name above riches, would wish for a legacy under such circumstances? The reader is requested to add such other facts as he may think proved, and form an opinion as favorable to all concerned, as the case will admit.

THE

ACT OF INCORPORATION,

REGULATIONS, AND MEMBERS OF THE

MASSACHUSETTS

CONGREGATIONAL CHARITABLE SOCIETY;

WITH A BRIEF SKETCH

OF ITS

ORIGIN, PROGRESS, AND PURPOSES.

PUBLISHED FOR THE SOCIETY.

BOSTON: JOHN ELIOT, 5, COURT-STREET.

MDCCCXV.

ACT OF INCORPORATION.

COMMONWEALTH OF MASSACHUSETTS.

In the year of our Lord one thousand seven hundred and eighty-six.

An Act incorporating a Society, by the name of THE MASSACHUSETTS CONGREGATIONAL CHARITABLE SOCIETY.

WHEREAS a number of congregational ministers, within this Commonwealth, have petitioned, and it appears to the General Court expedient, that a number of persons be incorporated into a society, for the humane and benevolent purposes of affording relief and support to the widows and children of deceased ministers, and other persons herein mentioned:

I. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Thomas Barnard, clerk, Stephen Choate, esq. Caleb Davis, esq. Benjamin Goodhue, esq. Nathaniel Gorham, esq. John Hancock, esq. Jason Haven, clerk, Timothy Hilliard, clerk, Simeon Howard, doctor of divinity, Joseph Jackson, clerk, John Lathrop, doctor of divinity, Phillips Payson, clerk, William Phillips, esq. Samuel Phillips, jun. esq. Daniel Shute, clerk, Caleb Strong, esq. James Sullivan, esq. Peter Thacher, clerk, Oliver Wendell, esq. and Joseph Willard, doctor of divinity, be, and they are hereby incorporated into a society, by the name, style, and title of THE MASSACHUSETTS CONGREGATIONAL CHARITABLE SOCIETY; and that they, and such others as shall be

duly elected into the said corporation, shall be and remain a body politick and corporate, by the same name, style, and title, forever.

II. *And be it further enacted by the authority aforesaid,* That the said society and corporation, shall be capable of receiving, and shall have power to receive, from any person or persons disposed to aid the benevolent purposes of this institution, any grants or devises of lands or tenements, in fee simple, or for a lesser estate, and all donations and bequests of money, or any other personal thing; and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

III. *And be it further enacted by the authority aforesaid,* That all grants, donations, devises and bequests, made to the said society, of any real or personal estate, shall be by the said society used and improved to the best advantage; and the annual income thereof, shall be by them applied to the support of such widows and children of deceased congregational ministers, who have been, or shall be settled within this Commonwealth, and of the widows and children of the president and professors of the University in Cambridge, as in the opinion of the said corporation, shall be proper objects of the said charity.

Provided nevertheless, That the said society, if at any time they shall judge it will best answer the good purposes of their institution, may increase their capital, by placing a part of the said income at interest, or by purchasing real estate therewith; and they shall have power also to take a part of the principal of their personal estate, and bestow it on the widows and children before mentioned, if it is consistent with the directions of the donor.

IV. *And be it further enacted by the authority aforesaid,* That the said society and corporation shall, at their annual meeting in May, have power to elect by ballot, any other person or persons, as members of the said society:

Provided always, That the said society shall not at any time consist of more than thirty members : *Provided also,* That the same proportion be observed in the said elections, between the clergy and the laity, which is observed in this act.

V. *And be it further enacted,* That when it shall appear to the said society, that the changing any real property into personal estate, will best answer the intentions of this institution, the said corporation shall have full power, unless it is expressly ordered otherwise by the donor, to sell and convey the same ; provided that the monies for which the said real estate shall be sold, shall always be applied to the same use, to which the income of the estate sold, was before applicable.

VI. *And be it further enacted,* That the said society may have one common seal, which they may change and renew at pleasure ; and that all deeds, conveyances and grants, covenants and agreements made by their treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid ; and the same corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer, by the name, style, and title aforesaid.

VII. *Be it further enacted,* That the said society shall hereafter meet at Boston, or such other place as they may think proper within the State, some time in the month of May annually, and as much oftener as they may judge expedient ; and any seven members of the said corporation, the president, vice-president, treasurer or secretary, being one, shall be a quorum ; and the said society, at their meetings in May, annually, shall have power to elect and choose a president, vice-president, treasurer, secretary, and all other such officers as to them shall appear necessary : which officers so chosen shall continue in office one year : and all officers so chosen shall be under oath to the faithful performance of the duties of their offices respectively.

VIII. *And be it further enacted,* That the said society hereby are, and forever shall be vested with the power of making by-laws for the more orderly managing the business of the corporation ; provided such laws are not repugnant to the laws of the Commonwealth, or the principles of the constitution of the same ; nor shall any penalty by them provided, exceed the sum of *twenty shillings.*

And it is nevertheless provided, That the rents of the real estate, together with the interest of the personal estate of the said society, shall never exceed the annual income of *three thousand pounds.*

IX. *And it is further enacted,* That Simeon Howard, doct. of div. be, and he hereby is authorized, by publick notification, in two of the Boston newspapers, to call the first meeting of the said society, at such time and place as he shall judge proper ; at which meeting, the said corporation shall have all the power hereby vested in them at their annual stated meetings in May ; but the officers by them chosen shall not continue in office longer than the next May meeting, unless they shall be elected anew.

In the House of Representatives, March 24, 1786.

This bill, having had three several readings, passed to be enacted.

ARTEMAS WARD, *Speaker.*

In Senate, March 24, 1786.

This bill, having had two several readings, passed to be enacted.

SAMUEL PHILLIPS, JUN. *President.*

By the Governour, approved,

JAMES BOWDOIN.

A true copy, attest,

JOHN AVERY, JUN. *Secretary.*

RULES AND REGULATIONS

OF THE

CONGREGATIONAL CHARITABLE SOCIETY.

Annual meeting. I. THIS Society shall hold its annual meeting on the Monday preceding the day of general election, at 11 o'clock, A. M. The secretary shall advertise the time and place of meetings, in one of the Boston newspapers, and also send notifications to such of the members as are within a convenient distance.

7 a quorum, Act, § vii president, or other officer, being one.

Officers must be under oath, Act, § vii.

II. Besides a President, Vice President, Treasurer, and Secretary, a Council of seven shall be annually chosen by ballot. Their duties shall be, generally, to advise the officers of the society, in any cases in which they may ask counsel; and particularly, they, together with those officers, shall advise the treasurer, in regard to the manner of keeping his accounts, and investing the funds which may come into his hands.

Council.

Income may not exceed 10 000 dol. Act, § viii. proviso.

Monies paid. III. The treasurer shall pay no monies but to the order of a major part of the council, or by warrant from the secretary, in consequence of a vote of the society.

Special meetings IV. Special meetings shall be holden, by direction of the president; or in case of his decease or absence, by the vice president; or under similar failure of both these, of the treasurer, or secretary, whenever a majority of the council shall advise, or any five members shall, in writing, apply for the same. The notifications for such meetings, shall be issued at least eight days previous to the meeting, and the business to be transacted, be expressly mentioned.

Subscription paper. V. A subscription paper shall be kept open by the Treasurer, for increasing the funds of the society; and it shall be the duty of each member to aid in collecting subscriptions.

Election of members. VI. No person shall be elected into the society, unless nominated by a member, at a previous meeting to that on which the balloting is made. If any person elected, neglect to signify his acceptance for one year, after being notified of the choice, it shall be considered void.

Never to exceed 15 clergymen and 15 laymen, Act, § iv. prov.

Agreeably to the provisions of the statute, a meeting was called, and holden in the Senate chamber, Boston, 24 May, 1786; and the society was organized by the choice and qualification of the several officers, named in the act. The "by-laws for the more orderly managing the business of the corporation," have been varied from time to time, in some few particulars. The preceding is an abstract of the principal of those now in force.

At the annual meeting of the Society, 29 May, 1815, continued by adjournment, 1 June,

Voted unanimously, that the preceding be published as by-laws of the Society.

JOSEPH MCKEAN, *Secretary.*

LIST OF THE MEMBERS AND OFFICERS OF THE SOCIETY, FROM ITS FORMATION.

*(Those marked * have died.)*

			Last Residence.	*Time of Decease.*
Named in the Act of Incorporation.		*Rev. Thomas Barnard, D. D.	Salem	1 Oct. 1814.
		Hon. Stephen Choate,	Ipswich	
		*Hon. Caleb Davis,	Boston	6 July, 1797.
		*Hon. Benjamin Goodhue,	Salem	28 July, 1814.
		*Hon. Nathaniel Gorham,	Charlestown	11 June, 1796.
		*His Ex. John Hancock, LL.D.	Boston	8 Oct. 1793.
		*Rev. Jason Haven,	Dedham	17 May, 1803.
		*Rev. Timothy Hilliard,	Cambridge	9 May, 1790.
		*Rev. Simeon Howard, D. D.	Boston	13 Aug. 1804.
		*Rev. Joseph Jackson,	Brookline	22 July, 1796.
		Rev. John Lathrop, D. D.	Boston	
		*Rev. Phillips Payson, D. D.	Chelsea	11 Jan. 1801.
		*Hon. William Phillips,	Boston	15 Jan. 1804.
		*His Hon. Sam. Phillips, LL.D.	Andover	10 Feb. 1802.
		*Rev. Daniel Shute, D. D.	Hingham	30 Aug. 1802.
		His Ex. Caleb Strong, LL. D.	Northampton	
		*His Ex. James Sullivan, LL.D.	Boston	10 Dec. 1808.
		*Rev. Peter Thacher, D. D.	Boston	16 ,, 1802.
		Hon. Oliver Wendell,	Cambridge	
		*Rev. Jos. Willard, D.D. LL.D.	Harv. College	25 Sept. 1804.
Elected				
28 May,	1787,	*Rev. Ed. Wigglesworth, D.D.	Harv. College	17 June, 1794.
,, ,,	,,	*Richard Cary, Esq.	Charlestown	7 Feb. 1790.
29 ,,	1788,	*His Hon. Moses Gill,	Boston	20 May, 1800.
,, ,,	,,	*Rev. Thomas Cary,	Newburyport	24 Nov. 1803.
,, ,,	,,	Rev. Joseph Lyman, D. D.	Hatfield	
25 ,,	1789,	*Hon. Timothy Edwards,	Stockbridge	Nov. 1813.
23 ,,	1791,	*Hon. Thomas Russell,	Boston	8 April, 1796.
,,	,,	*Rev. Anthony Wibird,	Quincy	4 June, 1800.
12 Feb.	1795,	*Hon. Jonathan Mason,	Boston	5 May, 1798.
,, ,,	,,	*Rev. David Tappan, D. D.	Harv. College	27 Aug. 1803.
25 May,	,,	Samuel Parkman, Esq.	Boston	
,, ,,	,,	*Thomas Lee, Esq.	Cambridge	26 May, 1797.
,, ,,	,,	Rev. Joseph Dana, D. D.	Ipswich	
,, ,,	,,	*Rev. Jeremy Belknap, D. D.	Boston	20 June, 1798.
28 ,,	1798,	*Rev. John Eliot, D. D.	Boston	14 Feb. 1813.
,, ,,	,,	Samuel Eliot, Esq.	Boston	
25 ,,	1801,	Hon. George Cabot,	Boston	
,, ,,	,,	*Hon. John Codman,	Boston	17 May, 1803.
,, ,,	,,	His Hon William Phillips,	Boston	
24 ,,	1802,	*Hon. Theoph. Parsons, LL.D.	Boston	30 Oct. 1813.
,, ,,	,,	Rev. David Osgood, D. D	Medford	
,, ,,	,,	Edward A. Holyoke, Esq. M.D.	Salem	
,, ,,	,,	*John Derby, Esq.	Boston	5 Dec. 1812.
23 ,,	1803,	*Rev. Joseph Eckley, D. D.	Boston	30 April, 1811.
,, ,,	,,	Rev. Eliphalet Porter, D. D.	Roxbury	
28 ,,	1804,	Rev. Joseph McKean, LL. D.	Harv. College	
,, ,,	,,	Rev. John Prince, LL. D.	Salem	
,, ,,	,,	Rev. Jedidiah Morse, D. D.	Charlestown	
,, ,,	,,	Theodore Lyman, Esq.	Boston	
26 ,,	1806,	Rev. Henry Ware, D. D.	Harv. College	

25 May	1807,	*Samuel Webber, D. D.	Harv. College	17 July,	[1810.	
,, ,,	,,	Rev. J. T. Kirkland, D.D. LL.D.	Harv. College			
23 ,,	1808,	Rev. William Shaw,	Marshfield			
29 ,,	1809,	Stephen Higginson, Jun. Esq.	Boston			
,, ,,	,,	Rev. Abiel Holmes, D. D.	Cambridge			
27 ,,	1811,	Samuel Salisbury, Esq.	Boston			
,, ,,	,,	*Rev. Thomas Prentiss, D. D.	Medfield	28 Feb.	1814.	
24 ,,	1813,	Rev. Charles Lowell,	Boston			
23 ,,	1814,	Rev. William E. Channing,	Boston			
,, ,,	,,	Hon. Israel Thorndike,	Boston			
,, ,,	,,	Ephraim Eliot, Esq.	Boston			
,, ,,	,,	Levi Hedge, Esq.	Harv. College			
29 ,,	1815,	Rev. Jesse Appleton, D. D.	Bowd. College			
,, ,,	,,	Hon. Benjamin Pickman,	Salem.			

OFFICERS OF THE SOCIETY.

Presidents.

*Rev. J. Willard, D.D. LL.D.	1786—1804
Rev. John Lathrop, D. D.	1805—

Vice Presidents.

*His Ex. J. Sullivan, LL.D.	1786—1804
Hon. Oliver Wendell,	1805, declin.
*Hon. Benj. Goodhue,	1805—1806
Samuel Eliot, Esq.	1807—1813
His Hon. William Phillips,	1814—

Treasurers.

*Rev. Simeon Howard, D.D.	1786—1804
Hon. William Phillips,	1804, declin.
Rev. John Lathrop, D. D.	1804—
Hon. George Cabot,	1805—1806
Samuel Parkman, Esq.	1807, declin.
Rev. Eliphalet Porter, D. D.	1807—

Secretaries.

Rev. John Lathrop, D. D.	1786—1804
*Rev Joseph Eckley, D. D.	1805—1810
*Rev. John Eliot, D.D.	1811—1812
Rev. Joseph McKean, LL.D.	1813—

Preachers of the charity lecture.

*Rev. Joseph Willard, D. D. 1786.
*Rev. Daniel Shute, D. D. 1787, declin.
*Rev. Phillips Payson, D. D. 1787.
lecture suspended till 1795, declin.
*Rev. Peter Thacher, D.D. 1795.
(printed.)

Council.

*Hon. William Phillips,	1786.
*Hon. Sam. Phillips, LL.D.	1786—1797
Hon. Oliver Wendell,	1786—1791 and 1798—1806
*Rev. Joseph Jackson,	1786—1796
*Rev. Thom. Barnard, D.D.	1786—1805 and 1807—1814
*Rev. Timothy Hilliard,	1786—1789
*Rev. Peter Thacher, D.D	1786—1802
*Hon. Caleb Davis,	1787—1792
*Rev. Phillips Payson, D.D.	1790—1793
*Hon. Thomas Russell,	1792—1795
*Hon. Moses Gill,	1793—1799
*Hon. James Sullivan, LL.D.	1794, and 98—1805
*Jonathan Mason, Esq.	1795—1797
Samuel Parkman, Esq.	1796—1805
*Rev. Jeremy Belknap, D.D.	1798.
*Rev. David Tappan, D. D.	1799—1803
Samuel Eliot, Esq.	1800—1801
Hon. George Cabot,	1802—
*Rev. John Eliot, D. D.	1803—1810
*Rev. Joseph Willard, D. D.	1804.
Rev. John Lathrop, D. D.	1805—1807
Rev. Joseph Dana, D. D.	1806—
Rev. Eliphalet Porter, D. D.	1807.
*Hon. Theop. Parsons, LL.D.	1806—1813
*Samuel Webber, D. D.	1808—1810
Rev. Jos. Lyman, D.D.	1808—1809
Rev. David Osgood, D D.	1810—
Rev. Abiel Holmes, D. D.	1811—
Rev. William Shaw,	1811—
His Hon. William Phillips,	1814—
Rev. John Prince, LL. D.	1815.

Immediately on the organization of the Society, the Convention of congregational ministers transferred to it, in trust, "*l.*571, 1*s.* 7*d.* in publick and private securities, which sum had been given by divers persons, the interest to be used for the benefit of the poor widows and orphans of deceased ministers ; to be improved by said society in such ways as in their wisdom they shall judge most conducive to the benevolent purposes of the donors ; the interest of which securities, and such other property as the convention may put into the hands of said society, to be distributed, from time to time, agreeably to the advice of the convention."* These funds have been held and improved, in the same manner as the society's stock, but are kept separate from it; and an annual account is rendered to the convention of their exact state. The property of the society, has been increased at different times, by donations and bequests. The income is now such as enables them to lend important assistance to several worthy objects. Still, their means fall far below the pressing claims, continually made on them ; claims, which they should be most happy to grant, from a full knowledge of the wants and merits of the applicants. The last, and the present year, they contributed $150 to the collection, which is made after the convention sermon, and which is distributed in equal proportion, by vote of the convention, among a number of widows of deceased ministers. Besides this, they gave $200 to a few individuals, whose circumstances were peculiarly necessitous. But they have felt it a duty, in the management of their funds, to endeavour to add something to the capital, by reserving annually a portion of the interest; so that in time, it may be hoped, the proceeds may be more adequate than heretofore to the applications continually urged for help and relief. They acknowledge, with pleasure, the liberality of many; and doubt not the continued benefactions of the friends of religion, to a charity so important and interesting. Once and again its design has been briefly stated to the publick.

* Society's Records, folio, volume I. page 7, 8.

In 1795 a sermon was preached by Rev. Peter Thacher, D. D. and published with an appendix, containing a history of the society, "By a member, who is not a minister;" from which a few extracts follow :

"The congregational ministers of the late province, now commonwealth, of Massachusetts, from the beginning of the government under the charter of 1692, have practised the holding of a convention in Boston, on the next day after the general election of counsellors. Thus being assembled, from time to time, their reflections were carried to the seats which death had rendered vacant, since their last meeting. The transition from this reflection was very easy and natural, to that of the situation of the widows and orphans of their deceased brethren. They realized, that in general, the salaries of ministers gave them but a bare competency ; and that, when this was their only dependence, and they died in early life, leaving large families, their widows and children frequently become real objects of charity. They considered this a strong objection, with men of genius and learning, to engaging in the work of the ministry.

Upon these ideas, with others worthy of their character, they originated the plan of an annual collection amongst themselves, for the relief of the widows and children of ministers, who had died without leaving a competency for the support of their families. From year to year, they continued this benevolent collection ; which, though it was small, yet it gave relief to many distressed persons, who had seen better days, and who had, on a reasonable foundation, entertained hopes of a prosperous and plentiful life. When the publick attention had been attracted by this extraordinary scheme of liberality in the ministers, it was aided by donations from others, who realized the advantages of publick devotion, and of religious instructions.

In the year 1786, an application, which had been long in agitation, was made by the convention to the legislature, expressing their intentions on this subject,

and praying for an act of incorporation of a certain number, for the directing of the funds, which charity had placed in their hands; and an act was accordingly passed.

This indulgence of our government to the clergy, and the respect so universally paid to religious institutions, by the rulers of our state, will continue the encouragement to men of literary talents to settle as ministers; and will give ease to the pained hearts of many, who, after spending the prime of their life in labours to promote the happiness of others, are leaving widows and orphans on the arms of publick charity.

The act by which this society is established, independent of pecuniary considerations, has an unfailing influence to render the office of a minister respectable. It is the *commonwealth's smile of approbation upon the office, and will render to the clergy a substantial support in the important duties of it.* Perhaps there never was an institution, which was pointed more directly to proper objects of charity, or in the execution of which, the principles of true benevolence could be exerted in a manner more productive of the general good of the country."

In 1803, a circular letter was sent to gentlemen in various parts of the commonwealth, soliciting attention and aid to this institution. As this expresses well the present wants and wishes of the society, it is given entire; in the hope that from the truly venerable name of their departed associate, it may make a stronger impression.

Boston, January, 1803.

"Sir,

On a conference of the Congregational Charitable Society, with the Convention of Congregational Ministers, in May last, it was agreed, that the corporation should form and issue subscription papers, with a view to obtain an increase of the funds of that body. Such a paper is therefore annexed to this letter, that any per-

son in your parish, or elsewhere, within your acquaintance, who may be disposed to aid the institution, may become a subscriber.

It is necessary that a short history of the circumstances leading to this measure, should be given to you, for the advice of those who may want information. Though the people of Massachusetts have always exhibited a warm attachment to the ministers of the gospel, yet the situation of that order of men has been adverse to such an accumulation of property from their salaries, as would enable them to provide for the support of their families, when called to leave them as widows and orphans. In many instances, they have died, leaving their families in very indigent circumstances. The ministers of the congregational order have, annually, for a long course of years, from their penury, cast in their mite for the relief of those objects of charity. Others have made donations, with a view to render these contributions more extensive, and the source of them more permanent. In this way, a sum has been raised, which called for legal powers to preserve, and manage it. Accordingly, in the year 1786, a corporation was formed by an act of the general court, denominated "*The Congregational Charitable Society.*"

By the exertions of that Corporation, very considerable additions have been made to the sum existing, when the corporation was formed. Men who are blessed with wealth have been very liberal; and others, less affluent, have exhibited no less goodness. The annual interest has, however, been very inadequate to the relief of all the sufferers, who are within the intendment of the act of incorporation. To exhaust the principal sum would be to destroy the hope of rendering this benevolent institution a benefit to future generations.

The corporation forward to you a subscription paper, for you to improve as your prudence shall dictate. You will be pleased to observe, that as, from the course of events, this class of poor will always remain in the State, and that, as the corporation is a perpetual institution, those kinds of property which are of small value

now, but which may, from length of time, become more valuable, will be very acceptable. Therefore donations in wilderness lands will be received with respect and gratitude. Whatever the donations subscribed may be, whether in lands, securities, or stocks, you will have them transferred to the corporation without delay. You will be kind enough to communicate information of your success to the secretary of the society, as it may be convenient to you ; holding the subscription paper for further use.

That you may have the favour and support of HIM, who takes notice of a cup of water, given to his disciple in his name, is the wish of the society.

JOSEPH WILLARD, *President.*

JOHN LATHROP, *Secretary.*"

At the adjournment of the first meeting of the society, a committee, consisting of Rev. Doctor Willard, Hon. Judge Sullivan, and Rev. Doctor Wigglesworth, reported the following

"PLAN FOR RAISING ANNUITIES."

"I. That each subscriber pay to the treasurer of the corporation *l.*5. 5*s.* a year, during his *marriage ;* the first payment to be made at his admission, and the following payments, on the first day of May annually.

"II. That in case the subscriber be older than his wife he make a farther payment, at his admission, of 10*s.* 6*d.* for each half year of the excess of his age, above the age of his wife, if such excess be less than ten years ; but if such excess be more than *ten years,* then that he make an additional payment of *l.*1, 1*s.* for every half year that his age exceeds the age of his wife, more than ten years.

"III. That in consideration of these payments at admission, and these annual contributions, the *widow* of every subscriber be entitled to an *annuity for life,* of *l.*8, if the husband has lived one year after making his first payment, and has made *two* annual payments :

*l.*9, if the husband has lived two years, and made *three* annual payments ; *l.*10, if the husband has lived three years, and made *four* annual payments : the annuity to increase at the rate of *l.*1, for every year that the subscriber shall live more than *one year* after his first payment, and shall have made his annual payment to the time of his decease.

This plan is recommended by the Rev. Richard Price, D. D. as preferable to any other, for the following reasons.

(1.) It is the *safest*, because it depends less than any other on the firmness of life. (2.) It guards against the danger arising from fraudulent intrusions into the society of persons, who may be dying by concealed distempers. (3.) It is more simple than any other plan ; because it establishes nearly the same common payment for all ages, and all the difference of ages, between husbands and wives. (4.) It is more equitable than any other plan, because it makes the widows of those, who have contributed the most, the greatest gainers ; and it is also more *useful*, by providing the largest annuities, at the time of life they will be most wanted.

"IV. That the widow, of each subscriber who neglects to make his annual payments yearly, on the first day of May, shall lose all benefit of any past payments ; unless such subscriber shall pay, or cause to be paid to the treasurer of the corporation, such annual payment or payments as may be in arrears, with compound interest, at the rate of six per cent. per annum, for the time such payments may have been in arrears.

"V. That each subscriber, at his admission shall lodge with the secretary certificates of his own age, and of the age, and christian name, and maiden name of his wife ; which certificate shall be confirmed by the oath of the subscriber, or otherwise attested to the satisfaction of the secretary, who shall record the same in a book to be kept for that purpose.

"VI. That all monies, paid by those subscribers who survive their wives, shall be vested in the common stock, for the support of the annuity fund.

"VII. That all monies, received by the treasurer by virtue of such subscriptions, and the interest thereof, shall be put to interest, on good security; except so much as may be necessary to pay the annuities that become payable, by the death of any of the subscribers. Such securities shall be made payable at the expiration of six months, and if the borrower neglects to pay the interest, for more than thirty days after it becomes due, the treasurer shall put his bond in suit, at the next term of court.

"VIII. That the treasurer be allowed one per cent. on all payments made by the subscribers to this fund; and one and a half per cent. on all interest he may receive, arising from the loan of such payments.

"IX. That the fund for annuities shall not commence till there be *fifty* subscribers to it, which number being completed, the first payment shall be made.

JOSEPH WILLARD, *Per order.*"

This plan, which is contemplated to embrace only clergymen and college officers, is now published with the view of calling the attention of those classes particularly, to this subject. Whether it failed of going into operation, at the time it was projected, from the want of the number of subscribers, required in Art. IX. and whether that want arose from the state of opinion and pecuniary means, in the country; or whether some doubts were entertained as to the expediency, or perhaps the legality, of such a business being undertaken by this corporation, is not now known. It is submitted to the consideration of the publick; and if on being duly matured by the aid of reflecting men, it shall be found desirable to form such an annuity fund, and any doubts still be actually entertained by any of the legal competency of the society for managing it; application would be made to the legislature, who, it may be safely calculated, would readily pass a declaratory act, putting the sufficiency of their charter beyond the reach of any uncertainty or objection.

Extracts from a Letter of Rev. Dr. Price to Rev. Dr. Wigglesworth.

"*Hackney, near London, July* 23, 1787.

"Dear Sir,

I am glad to be informed that a Society is incorporated in your State, for providing annuities for the widows of the congregational ministers and professors. The plan recommended in the P. S. of my former letter, may I think be adopted with perfect safety: and it seems one of the most simple and equitable, and also to young ministers particularly encouraging. The calculations are all made by the rules in Qu. vii, viii. Vol. I. of my book on annuities; and the mathematical demonstration of those rules are given in the notes, at the end of Vol. II. To save trouble I have made use of approximations; but the numbers are as nearly right, as a plan of this kind can well be made.

The proper compensation for the annual payment of five guineas, [*l.*5, 5*s.* st.] is that sum multiplied by the value of the joint lives of the subscriber and his wife. But as the first of the annual payments is at admission, unity must be added to the tabular value of the joint lives before it is multiplied by *l.*5, 25. I will only add, that every subscriber, for every *extraordinary* payment which he shall at any time make of *l.*4, 4*s.* may entitle his widow to an addition of *l.*1. to the annuity, to which she would have been otherwise entitled. For instance, if after living three years, and entitling his widow, by the plan, to an annuity of *l.*10, he make an extraordinary payment of 4 guineas, his widow from that time shall be entitled to *l.*12, if he lives four years, instead of *l.*11; to *l.*13, if 5 years, instead of *l.*12, &c. &c. Should he make 2, 3, 4, &c. such extraordinary payments, he shall, *in like manner*, be entitled to an additional annuity of *l.*2, *l.*3, *l.*4, &c. &c. Perhaps the members, as they grow richer, may like to enjoy a liberty of this kind, and thus to be able to improve their expectations.

I wish you, dear Sir, all possible comfort and usefulness in the important station you fill, and am

Your very obedient and humble servant,

RICHARD PRICE."

"N. B. Interest reckoned at 4 per cent. and the probabilities of the duration of human life as they are in the Northampton Table of observations."*

Of the benefactions to the society, no continued registry appears on the records or files. Many have contributed liberally, from time to time, to the annual collection, made in accordance with this charity, after the convention sermon; and in some few years, after the sermon delivered before this society. To the following donors, particular votes of thanks have been passed, and the names of many others recorded.

1786. May 24. "To Honourable James Sullivan, esq. for an elegant book, in which the proceedings are to be entered."

1787. May 28. "To John Winslow, esq. of Dunstable; for *l.* 200, towards a perpetual fund."

1791. May 23. "To Hon. Thomas Russell, esq. of *l.* 200."

1792. May 31. "To a gentleman, name unknown, through Rev. Dr. Barnard, ten dollars."

1794. May 26. "To Jonathan Mason, esquire, for $100.

1795. May 25. Do. do. $ 100.

1795. May 25. "To Joseph Barrell, esquire, for one share in the National Bank, $ 400.

1801. May 25. "To an unknown friend, by the hands of Rev. Dr. Barnard, for $ 20.

1802. May 24. "To Samuel Eliot, esquire, for his benevolent and unwearied exertions to procure subscriptions for increasing the funds of this society; which exertions were successful in obtaining more than $4000: and also to the gentlemen who have subscribed *so liberally*, in the course of the past year, to the fund for the relief of the widows and orphans of deceased ministers."

* Records of the Society, Vol. I. p. 25—8.

1807. 25 May. "To an unknown friend, through the Rev. Dr. Barnard, for $ 33.

1808. 25 May. Do. do. $ 20.

1808. 25 July. "Anna Cabot Lowell bequeathed 2 shares in the Massachusetts Bank after one *life*, $ 1000.

1810. 28 May. "To the Hon. Samuel Dexter, sen. esquire, for $ 200.

1811. 27 May. "To Edward Aug. Holyoke, esquire, M. D. for a donation through Rev. Dr. Barnard, $ 30

John Lowell, esquire, sole acting executor of the last will and testament of Anna Cabot Lowell, being authorized thereto by a resolve of the legislature, "transferred to the society, in trust, ten shares in the Massachusetts Bank, or $ 5000, and a private bond of $ 1375, which property, with some other afterwards to be paid," the testatrix had bequeathed, (after certain annuities shall be paid, during the lives of several persons named in her last will and testament,) to wit, "to the botanical institution of Harvard University $ 500; and the income of all the residue to be applied to charitable uses, and especially to the relief of poor single women, aged or infirm."

1812. Aug. 3. "To Edward A. Holyoke, M. D. received through Rev. Dr. Eliot, $ 15, } $ 25
1813. „ Do. do. 10, }

„ Jan. 14. "For a legacy from the late John Derby, esquire," $ 1000.

"For this instance of the liberality, and for the various virtues of the deceased, his memory will long be cherished."

1814. May 23. "For a donation from Edward A. Holyoke, esquire, M. D. $ 30

LETTER

TO

GOVERNOR LINCOLN

IN RELATION TO

HARVARD UNIVERSITY

FROM

F. C. GRAY.

SECOND EDITION, WITH AN APPENDIX

BOSTON

BY CARTER, HENDEE, AND BABCOCK

Hale's Steam Press.....W. L. Lewis's Print.

1831.

NOTICE FOR THE SECOND EDITION.

This Letter having been, to a considerable extent, written while passing through the Press, the first edition contained several inaccuracies of expression, and I have not hesitated to correct, in this, such of them as seemed likely to lead to a misapprehension of my meaning, or of the fact. These changes, however, are of the slightest kind, and do not affect either the arguments or the conclusions, contained in the former edition.

To His Excellency

LEVI LINCOLN,

GOVERNOR OF MASSACHUSETTS.

Sir—The various reports, to the disadvantage of Harvard University, which are always circulating among us, have been recently urged with so much zeal and vigor, and such an appearance of uniform and organised effort, that some of its friends are apprehensive, lest these attacks, keeping each other in countenance by their noise and their numbers, and making up in activity what they want in strength, may impair the credit or diminish the usefulness of the Institution, if they remain any longer unanswered. Yielding reluctantly to the wishes of these friends, I have at length determined to answer such of the reports in question, as I have heard and can comprehend. This letter is addressed to you, Sir, because, as Governor of the Commonwealth, you preside over the Board of Overseers, and therefore it seemed not improper, that it should be so; and because your name may give it some consequence, and thus occasion it to be more extensively read. It is written without consulting any other member of the Corporation. It is written without fear for the cause, which will triumph, as soon as it is understood. It is written

without anxiety; for all these clamors seem to me a good omen; they show that the enemies of the College are alarmed; and at what are they alarmed but at the apprehension of its prosperity? Having a higher opinion of their sagacity than of their fairness, I rejoice in their fears.

I disclaim all attacks on the personal character of any individual, or on any class, party, or sect. It is no uncommon thing to respect a man and not his arguments; or to respect the arguments and not the man. In speaking, therefore, of the arguments or pretensions advanced by any man or set of men, either in their own behalf, or in that of others, it is my intention to say what I think of the arguments and pretensions themselves, without the slightest reference to the private characters of those, by whom or in whose behalf they are urged. By the term enemies of the College, I do not mean any particular sect or party, for I know none, which allows any man to call it so; but I mean those, of whatever party or sect, who are united in hostility to the Institution. Nor do I apply this term to all, who have made complaints against the College. No doubt many of its friends have been deceived, and join in these calls for information from a sincere desire to see its government properly administered. If any of the objections, which I shall answer, have been made both by friends and by enemies, the former will understand me as answering them in the spirit of friendship. But the tone, in which some of these calls are made, is

not warranted. I do not admit the absolute right of anonymous writers to make any such call. What claim have they to any control over the College, or to any explanation of its affairs? An exact scrutiny, by the proper authority, into all our public institutions is right; but positive assertions without knowledge, charges without inquiry, and condemnation without proof or hearing, are not right. And is this the proper authority? We have been told, indeed, that these demands upon us are made by the public. But surely every anonymous writer in the newspaper cannot call himself the Public, and make claims upon us in that capacity. At least we may say, 'come out and show us what sort of a Public you are.' I have no desire to call them out, Sir, nor any care about it; but till they do come out, and show some authority, they have no right to make such claims.

The State, it is said, founded the College, and therefore has a right of visitation over it.—But then who is the State? Surely not every person in it. And what is the right of visitation? Is it an arbitrary right to question, control, and punish at pleasure; or is it a legal right to be exercised according to the forms and principles of law and equity? How is it exercised in England, from which we derive the right itself, and the form of all our judicial tribunals. Does even the King himself exercise it personally? Not at all. The proper tribunal causes all parties in interest to appear before it, and after fair notice and full hear-

ing, and deliberate consideration, does unto them what to law and justice may be found to appertain. And if Massachusetts should see fit to exercise a similar power, she would undoubtedly exercise it through the agency of the proper tribunal. It may be questioned whether she has not already established such a tribunal in the Board of Overseers, and delegated to them this power of visitation. If it be so, the power is exercised every day. But if not, if she still retains a right of visitation above and beyond the Overseers, how would she exercise it? She would do what she has always heretofore done, when she wanted to exercise equity powers without a Court of Equity; she would enable her Supreme Judicial Court to determine the case, according to the principles of right and justice. At any rate, she would do what should be fit and proper. I have no fear, that she will let her power be used as an instrument of injustice by our enemies. If she comes in her might, she will come in her dignity and her righteousness also, and will not smite us, right or wrong, at their bidding. I feel not the least alarm at the intimation, that they can wield the power of the State against the College to its ruin, and that they are determined to do so. I doubt whether they understand the temper of the People of Massachusetts.

So much for their pretensions to the right and the power of controlling the College. Now for a few of their complaints. The first and most frequent is, that there are not so many students in

Cambridge as in some other Colleges.—What then? There is no Institution in New-England or in America, in which the morals and manners of youth are more carefully or more successfully guarded and improved; none in which they can now obtain, I say it boldly and without disparagement or disrespect of others, an education nearly so complete; and we are every year doing something to make it still better. It is indeed for this precise purpose, that we are committing another of our sins; that of laying up a little money to this end. What more can we do? Let them tell us frankly and explicitly what they wish us to do. Are any of them actuated by a desire to have the College placed under the control of some party, to which they belong; and if they are so, does not this fact alone render all their complaints somewhat suspicious? Are any of them among those over-zealous champions, who, stepping beyond what moderate and candid men of any party would approve, have been concerned in calling secret meetings for the purpose of pledging themselves to each other to use all their influence, to prevent those parents who might otherwise do so, from sending their sons to Harvard University? Or are they among those, who are constantly endeavoring to accomplish the same object, by proclaiming, wherever they can make themselves heard, that every father who sends his son there, puts at hazard his salvation, and that of all his posterity? And shall these same men, (if indeed they are the

same,) as soon as their unremitted, universal, and organised efforts, have been attended with some small success; so small as to be perceptible only to themselves, shall these same men turn round on the College and condemn it for the consequences of their own proceedings? Is this fair, or reasonable? I cheerfully leave this question to the good sense of the People of Massachusetts. If their complaint be sincere, and not a mere pretext; if they really desire to have the number of students in Harvard increased, they certainly have adopted a most extraordinary mode for the accomplishment of their object. When did ever the friends of Harvard attempt, by secret cabals or open clamors, to deter parents from sending their sons to any other Institution, which they might prefer? If they had done so, Harvard would have disowned them. And after all, how much truth is there in the assertion? There are more students in Cambridge, I believe, than in any other College but Yale; and let it be considered how many are induced to go to Yale by the great amount of charitable assistance received there from the society for theological education, and from other funds. Last year *one hundred and forty-four* undergraduates received charitable aid in Yale, and only *thirty-four* in Harvard; and this aid was probably necessary for their education in each. We are told that some Colleges attract more students from other States than Harvard. This is true. But she attracts many more students from her own

State, than any other Institution from the State, to which it belongs. Which is the greater praise?

But the expenses of a student in Cambridge, it is said, are unreasonably great.—That they are greater than in some other Institutions, I readily admit. But this difference results from the nature of things, and not from any fault of the College. These expenses are of two kinds; the expenses of living, and the expenses of education. As far as the first are concerned, there are Colleges in country towns no doubt, where rent and fuel and food are cheaper than in Cambridge; and I am glad of it, because it enables those parents, who cannot afford to have their children educated so near the Capital, to give them a better education, than they could do, if these Colleges did not exist. But then all these things are cheaper in the College here, than any where else near it, and this by the exertions, and at the expense of the College Government. Thus, for instance, they let their rooms at about one half the sum, which a similar room costs *out* of College. So by providing dining halls and kitchens and furniture, at the expense of the College, the cost of board to the students is reduced, much below what is paid for it in the neighbourhood, and lower than it could be otherwise supplied. It is one dollar and seventy-five cents a week. If it can be had in Amherst for less, we may rejoice in their good fortune, but we cannot share it. The young men studying in Cambridge, cannot at the same time board in Amherst. So of

wood. It is bought in the cheapest season, in large quantities by the Institution, and dealt out to the students as they want it, without profit. No doubt, it is cheaper in the country. But what then? The students must have fires, and while they are studying in one town, they cannot keep their fires in another.

As to the expenses of education itself, including the books necessary for it, they are less in Cambridge, than they can be in any other part of New England. With regard to the books, this is obvious. They are purchased in large quantities, at the lowest rates, at which they can be obtained even by booksellers; many are brought from Europe, because they may be bought there cheaper than in America; and they are sold to the students, like the wood, without profit. Now it is impossible that these books can be sold so cheap in any country town, as in Cambridge; for the bookseller in the country can get none of them cheaper than the Cambridge student, and for all the foreign books, and many others, he must pay more. And let him be as moderate as he will, he must charge on them some profit beyond the cost to him, or how is he to support himself and his family? The assertion, therefore, that text-books are cheaper in any country town than in Cambridge, cannot be true, unless in relation to some particular work printed near that place, which must be a small matter, and must be much more than counterbalanced by the far greater number, printed in and near Cambridge.

It may be true, that the scholar in the country town, pays less in the year for his books, but it does not follow, that his books are cheaper. If he pays two dollars in a year for two books, and the student in Cambridge pays four dollars for eight books, each of equal value, the former pays only half as *much* for his books, but he pays twice as *dear*. If indeed, any of the Cambridge books are not worth having, or not worth the cost, or not worth as much as the books used elsewhere, the case might be different, but I know no reason for making any such conjecture. Let me add, that no student is compelled to buy either his fuel or his books from the College, but if he can get them, or any of them, cheaper in any other manner, he has the right to do so.

So it is with instruction. There may be less money paid for it by students elsewhere, than in Cambridge, but they do not get so much of it in proportion to the cost; and therefore it is not so cheap. But some persons would not have so many books and so much instruction. Very well! Then they do not want a whole education, but only half an one. They do not want our article. No doubt they can get half an one cheaper; but we have not got it to sell.

Enormous sums have sometimes been stated as the actual amount of a student's expenses in Cambridge; perhaps truly stated.—But there is no limit to the amount, which a young man may contrive to throw away, if his friends will let him; and this is equally true in all places. The *neces-*

sary expenses of a student at Harvard, including every thing but clothing, do not exceed *two hundred and ten* dollars a year. If he is allowed to spend thousands, this is no fault of the College, but an injury done to it, by him and his friends; and it is not they, who have the right to complain, but the College Government.

It has been made a subject of complaint, that the College does not now expend its whole income. This year it is said to be estimated, that it will receive above eleven thousand dollars more than it will spend.—But take a series of five or ten years, and it will be found to have laid up little or nothing. Some time ago, there were spent for many successive years, several thousand dollars more than the income. Losses will occur in adverse times, and if they are not made up in prosperity, their accumulation through a long series of years would be ruin. The enemies of the College might be pleased with this, but it could hardly gratify its friends. Besides, the capital must gradually increase, to counterbalance the diminution of income, arising from the gradual decrease in the rate of interest, which seems to take place in every flourishing country. For the last three or four years, too, we have lost nothing by bad debts, and no wisdom or vigilance, can render this good fortune perpetual. And, moreover, let the buildings be kept in as good repair as possible, they will not last forever. The roofs, the floors, the very walls, must be in time renewed, and some-

thing ought to be reserved for this purpose, and something also to improve and extend the Institution. And if three or four thousand dollars a year, were laid up, for these objects, which is more, I believe, than ever has been done for five years in succession, should we be doing as much in this particular for posterity, as our fathers did for us? Should we be doing even enough to keep up the state of education in the College, to the increasing demands of the country?

It is asserted, that the funds from which this income is derived, were given by the State, in order to make education cheaper, and that all that income, therefore, ought to be applied to this object.—But how does it appear that they were given by the State? Individuals have given money too, and a great deal of it. The assertion assumes, that their money has been expended, and that the money remaining is that given by the State. But may not the fact be otherwise? Nearly all the grants to the College by the State, were made for specific objects, and the money given, was expended on those objects. Even of the last grant of 1814, one quarter part was expressly given for the benefit of poor but promising students, and was so applied; nearly another quarter was designed and appropriated for building the Medical College; and more than the whole residue was expended in building University Hall, which is well understood to have been built in consequence of that grant, though not specifically required by it.

This seems to me, however, of comparatively little consequence, since neither the State nor individuals, gave their money for the sole purpose of making education cheaper, but full as much, for that of making it better; for that of building up an Institution, which should go on constantly improving, to meet the expanding views, and supply the growing wants, and sustain the rising glories of our prosperous country. Shall it, on the contrary, stand still? What would the best education, that could be obtained in New England a hundred years ago, be good for now? And will not the best education of to-day, be deemed as insufficient a hundred years hence? I trust that it will, Sir, and more so. The ultimate object of all these donations, was the public good. Making education cheap, is one mode of promoting that object, but not the only one. Let not all the funds then be applied to this alone. A great deal has been done in this way. Let us do something in the other also, and make it better. I will state a few of the measures, which have been adopted, to render education cheap here. It is estimated that the board, for which the student pays *one dollar and seventy-five cents* a week, actually costs the College, taking all things into consideration, at least *two dollars and twenty-five cents,* so that each student, who boards in Commons, receives half a dollar a week towards his board. It is not yet three years, since the charge to the students, for instruction, rent, &c., was reduced from ninety-seven dollars,

to ninety dollars a year; and, before making any further reduction, it is best to have a little more experience of our ability to bear this.

This sum of ninety dollars, may be thus apportioned; *forty-eight* for instruction, not half what is paid in the best schools in this vicinity; *twelve* for rent of room; *six* for heating and keeping in order the lecture rooms, and other public apartments, used by undergraduates; *twelve* for the Steward, Commons, Catalogues, and Commencement dinners; *three* for the Librarian, and for keeping the Library of thirty-five thousand volumes in order; *three* for cleaning and taking care of the students' rooms; and *six* for general repairs. Of the moderateness of the charge for rent, I have already spoken. For every one of the other charges, the College pays more than it receives from the students. I will not trouble you with the details of them all. The charge for instruction is much the most important. Now the College pays, exclusively of the Law School, Medical School, and Divinity School, for the President, Professors, and other officers engaged in the instruction and discipline of undergraduates, about *twenty-two thousand dollars.* From two hundred and fifty students it receives forty-eight dollars each, making *twelve thousand.* The friends of the students, therefore, certainly cannot complain. They get now a great deal more than they pay for. In addition to what they gain in their board, fuel, and books, they get for ninety dollars a year, an edu-

cation, which costs one hundred and fifty, and which they could not purchase in any other part of this country for any sum. When so much of the price of their education is given to them, why should they claim still more?

The money, when any is happily saved, is not kept by the College Government, to be divided among themselves, but to be spent in the manner most useful to the public. There is no difficulty in spending the money well; the difficulty is to get it, and to get enough of it to accomplish some great and useful purpose. If this shall ever be done, and it shall be applied to some purpose perfectly unobjectionable, will not the College be condemned for spending, what they are now condemned for saving? I hope not, Sir, but I fear it. How it will be spent I know not, but it might be spent in many ways; in building an Observatory, and buying instruments to put into it; or a Library, and books to fill it; or in founding Professorships, that are already much wanted. But let us see whether the greater part of this sum of *eleven thousand dollars*, which we are supposed to be laying up this year, is not, after all, in danger of being expended before the year is out. *Two thousand dollars* of it, come from the Law School, and must, therefore, rightfully be expended on the Law School; so that this sum is at once to be taken out of the account of what relates to the undergraduates. *Five thousand* are appropriated to the Library, which has been long grossly deficient

in important books, and is so still. A Professor of Latin has been appointed with a salary of *twelve hundred dollars* a year; nearly *one thousand dollars* are paid for additional instruction in Elocution; about *eight hundred* have been applied to enable the Professor of Anatomy to give instruction to the undergraduates in his department by models; and the place of another Professor, absent by leave on account of sickness, is of course supplied at the expense of the College. All these expenses will certainly leave no very large sum to be laid up for any general objects, however important. Indeed, it may be feared, that even this year, our income will be hardly sufficient to meet the demands on it.

Sir, I have just now mentioned buying books as one fit mode of spending the College funds. There is nothing, which has been so much complained of, as our appropriating so much money to the Library. There is nothing, which I am more ready to defend. The Library, great as it is, is still deficient, very deficient in every department. Few of the Professors, I believe, can find in it the books necessary to enable them to perform their duties to the College.

It has been stated, that till within three or four years, nothing has been appropriated to the Library from the general funds of the College, since the American Revolution. When, therefore, we are asked, 'why spend the enormous sum of five 'thousand dollars in one year upon the Library?

'Why not rather two thousand?' I ask, in turn, why not rather twenty thousand? The only answer I can give to my own question, is, that I thought five thousand the most we could appropriate to that object, with a due regard to all the other interests of the Institution. If the books bought are all good books, selected so as to be best adapted to our present and most pressing wants, highly and permanently useful, and cheap in proportion to their real value, I can hardly find any other limit than our means, to my willingness to buy them. There is no department in the Library at all to be compared in extent to that, which contains the works relating to America, but even this is not complete. I had not been in London three weeks last summer, before I bought for the College, with their money, but not without authority, (our enemies are suspicious,) four hundred volumes, all relating to America, not one of them before in the Library, and many not in the country. One of these was the best book on Geography, that existed in the time of Columbus, showing exactly what was his starting point, what tools he had to work with, and of course how much was due to his own great genius. Happening a few days after it was sent to America, to mention my good fortune in finding it, to Washington Irving, he told me that Columbus's own copy of it still existed in Spain, full of notes in his own and his brother Bartholomew's hand-writing, and that if I could find another copy he would have a *fac-simile*

made in it of all those notes, which he stated to be highly interesting, and to contain some facts not known to the world. Of course, for so interesting a purpose, I ordered a copy to be procured, if possible, by any labor, or at any price. But after the most diligent search, it was impossible to find one in London, Paris, or Madrid. This result proved its value, and the lovers of Dollars and Cents may be gratified to learn, that the College can sell it to-morrow for ten times what it cost them.

But it has been gravely and repeatedly said, 'what need of more books? You have more books 'now than any body wants to read.'—That is true; but not more than *every* body wants to read, or to consult, or to refer to. A man does not go into a Library to read the volumes in order, as they stand on the shelves, or to count them. He goes there to find all the good books, that have ever been written upon the subject, on which his mind is then engaged. To find exactly what he wants, exactly when he wants it, may save him the labor of a life, or make that life a blessing to mankind. Give to Dr. Bowditch thirty thousand volumes, and it would not compensate him or the public for the loss to him of his one *La Place*. In a country, where any value is attached to science or to letters, there ought to be at least one great library containing the means of excitement and improvement for talents of every kind, food for all tastes, weapons for every hand; and wherever that Library shall be, there will be the centre of instruction for the whole

country ; there will be the great establishment for education. Moreover, nothing will tend so effectually to build up such an establishment and attract to it efficient teachers, as a Library equal to their wants ; and we must not be content to have only books, that will be constantly used, and neglect to obtain those above the common reach.

Let me suppose, or rather let me state, for I believe it is a fact, that a most accomplished Professor wishes a particular edition of a book, which is not to be found in the country, and desires us to send for it, to enable him to explain to his pupils more fully the meaning of the author he is required to teach them, the charm of his sentiments, and the graces of his style. It is one of those classic writers, who have been regarded for more than two thousand years with admiration and delight by every man of cultivated intellect and refined taste ; who have been his teachers in youth, his models perhaps in manhood and his comforters in age, his companions at home, his guides abroad, shedding light on every path and breathing consolation in every sorrow. Will it be a sufficient answer to tell him, that though we have not the book he wants, we have a great many, that he does not want, and more than he can read, and bid him study them ? If the only use of books were to teach us our letters, the argument would be a good one. Any book would do for that. But it cannot be listened to for a moment, by any one, who ever entered a library for the purpose of instruction to himself or of benefit to others.

The clamors against all classical learning, which have been so current among us within a few years, have also been pressed into the service of the enemies of Harvard.—The cause of ancient learning has been so ably defended, that I need say little on this head. To the question what advantage is there in making use of Greek and Latin sentences, when addressing those, who cannot understand them? I answer, none at all, and nobody does it now-a-days, that knows any better. It was fashionable once, but it would be fantastic now. It is in vain to talk of the beauties of the ancients to those, who will not look at them, and could not see them, if they did, and yet will condemn them; though, since they have no means of forming any judgment whatever, they have no right to pronounce any.

But if any young man, having some slight acquaintance with the classics, should doubt whether there be any practical advantage in cultivating it, let him make a few experiments of this kind, and then judge for himself. Let him select some striking passage in one of the ancient authors, no matter what passage; let him take if he please, that gem of ancient eloquence, the Funeral Oration, in the second book of Thucydides, and let him translate it into English, as well as he can; and then let him look at his work, and what will he see? If he has any taste or feeling, or any perception of eloquence, what will he see? His version shall be as good as you please, with the

exact form and features of the original, and every shade and line; but where is the graceful movement, the life, the inspiration? Let him turn it over and over to find out the reason of the difference, and try to mend it at intervals, and by and by he will find, that though he has nothing like the original, he has something much better than his own first sketch. After all, to be sure, he has only a translation; nothing of what is called practically useful; nothing he can go to town-meeting and repeat. But after a little practice in this way, he will perceive that he has acquired the ability to express every thing he has to say, more promptly and effectively, and this faculty he can carry to town-meeting, or anywhere else. And are not frequent and successful attempts to imitate good models, the best means of improvement in every pursuit? It is difficult indeed; but it is always more difficult to learn an art than to apply it.

This is mentioned, however, only as an experiment and exercise for youth. The true way to study an ancient author is to abandon ourselves to him entirely, and let him bear us along with his current. We shall thus unconsciously imbibe some of his qualities, and acquire without effort, nay, with delight, greater advantage, than the student can gain by the laborious process just mentioned. We may thus learn from our model not only to speak, but to think and to feel; may gain not merely facility of expression, but a portion of the spirit of his eloquence; and catch something

of the freedom and dignity of his action, instead of a scrap of his mantle. This is the way to use the ancients, and the way to make the moderns.

But why not take for models our best English writers?—Because they are not so good models. Who compares our Statues with the Venus or the Apollo; or our churches with the Parthenon? And in the art of writing, the difference between the ancients and the moderns is greater than in any other art. It is asking no great concession to be permitted to assert, that people, in general, are most struck with what is most striking. Now, who will deny, that in the finest of the ancient writers, the beauties are most striking, and the faults hardly perceptible? And who will assert it of our own? In simplicity and precision of thought, concentration of feeling, and that happiness of arrangement and connexion, which make a work one compact and harmonious whole, instead of a collection of disjointed parts, we cannot pretend to be their rivals. If we should learn nothing from them but brevity, it would be a lesson well worth the labor. Many of the most perfect orations, which have come down to us from antiquity, may be spoken, each in less than an hour, and I doubt whether there is one, that would require two hours for its delivery. We ourselves have had a practical lesson about choosing modern models, which ought to last at least for a century. The favorite model of the last generation, and a good part of this, was Doctor Samuel Johnson, and every body's thoughts were to be

clad in his language. A great man no doubt, one of the greatest in modern times, and so much the better for my argument; but his style was fit for nobody but himself. When all the world would imitate him, what was the consequence? An accumulation of sonorous epithets, instead of simplicity, precision, and force; and pages to express what might be said better in a single sentence.

It has been objected to the College, with our other literary Institutions, that education there is not sufficiently practical. Men ought to be educated, it is said, for the business of life, and their minds ought to be filled with the knowledge of facts and principles. This is enough. They will find out for themselves the way to communicate them. He who can think well, we are told, will speak well.—This is not always true. He who cannot think well, to be sure, cannot speak well; and it is best for him to be silent and to mind his work. But he, who can think well, and does think well, will he not speak all the better for knowing how to speak too? The giant should not despise his armour. Sampson himself would have done better with a sword; and we, who are not Sampsons, cannot safely rely upon his weapon. Franklin possessed natural powers enough, one would think, to satisfy any body; and he must have been conscious of his strength. But he chose to fight with weapons, and he went to work to make them. He, to be sure, took a modern for his model, not having access to the ancients; but he was a man

to succeed under every disadvantage. He tells us himself, how he toiled for years to form his style. It cost him more labor to make it, than ever it did to use it. But was it not worth making? What a weapon! Polished, keen, effective; making every blow tell, every touch electric.

The other charges against the College, I believe, all relate to Theological subjects. First, with regard to the Hollis Professor, it is said, that the Statutes of the Founder are violated, in allowing that Office to be holden by one, who does not profess to believe in the Trinity. It is alleged, that Mr. Hollis was a Trinitarian.—But cannot a Trinitarian found a Professorship, to which those, who differ from him in sentiment, may be eligible? He was also a Christian, and may he not have thought it more important to promote Christianity in its broadest sense, than any particular modification of it? Mr. Hollis was a Baptist, but he does not require that his Professor shall belong to the same sect. The question is not what were his own religious sentiments, but what he meant to require of his Professor, or rather what he has in fact required. The provision usually cited in this controversy is the following Statute;

'XI. That the person chosen from time to time to be a Professor, be a man of solid learning in Divinity, of sound or orthodox principles, one who is well gifted to teach, of a sober and pious life, and of a good conversation.'

There is another passage, however, which seems to me not less important; 'The Plan or Form

for the Professor of Divinity to agree to at his inauguration.'

'That he repeat his Oaths to the Civil Government; that he declare it as his belief that the Scriptures of the Old and New Testaments are the only perfect rule of faith and manners; and that he promise to explain and open the Scriptures to his pupils with integrity and faithfulness, according to the best light that God shall give him. That he promise to promote true piety and Godliness by his example and instruction; that he consult the good of the College and the peace of the Churches of our Lord Jesus Christ on all occasions; and that he religiously observe the Statutes of the Founder, and all such other Statutes and Orders as shall be made by the College not repugnant thereunto.'

Let me call your particular attention, Sir, to the manner, in which he is to explain the Scriptures. It is not according to the light, which was given to Luther or to Calvin, not according to the light given to the Founder, nor even according to the light given to the Professor himself, at the time of his election, but 'according to the best light that 'God *shall* give him;' that is, of course, at any time. Now, supposing the Scriptures interpreted according to the best light given to the Professor, either when chosen or at any subsequent period, should be opposed to the Trinity, is he not here most expressly commanded to explain them according to his light? But he is also commanded to be sound or orthodox, and if Hollis by this meant Trinitarian, then he must at the same time, support the Trinity. How shall we reconcile this contradiction? Is it not possible that Mr. Hollis might have thought

Orthodoxy to be a belief in the Scriptures exactly as they are written, allowing each man to interpret them according to the best light, which shall be given to him, whatever colour that light may put on them? Might he not have believed in the Trinity himself, without condemning those, who sincerely differed from him on this point; and without deciding it to be so absolutely essential, that all, who doubt it, must inevitably perish? Is not this possible? And if so, will not the supposition reconcile this seeming contradiction, and make all his directions plain, intelligible, and consistent? If this question be answered in the affirmative, all doubt is ended; for surely common sense and common reason, require us to put such construction on every part of an instrument, as may make the whole of it consistent with itself.

Some events, which occurred in the life of Mr. Hollis, may throw light upon this matter. In the year 1718, a few dissenting Clergymen at Exeter and other places, in the west of England, having preached sentiments, which savoured of some doubt in the Trinity, were examined by their parishioners, for the purpose of ascertaining their opinions in relation to that doctrine; and when it appeared, that they disbelieved it, were dismissed from their offices. This led to further inquiries of the same nature, and producing the same result, and finally to a controversy, which agitated the whole body of the English Dissenters. At length, a meeting of the Dissenting Clergy, in and near London, was

called, to be holden at Salter's Hall, in that city, to consider of advices to be sent to their brethren in the West. Shortly before the time appointed for this meeting, a Committee of gentlemen, belonging to the three denominations of Dissenters, (of which Mr. Barrington, afterwards Lord Barrington, was Chairman, and Mr. Hollis himself was a member,) prepared 'a paper of advices,' with a design of healing the breaches, that had been made, and promoting charity and mutual forbearance; which paper they recommended to this meeting of the Clergy, for their adoption. Its great object was, to disapprove the setting up any form of men's invention, in matters of faith; or any other test, than that unerring form of sound words, the Holy Scriptures. The Clergy met, and one of them proposed amending this 'paper of advices,' by inserting a declaration of their own belief in the Trinity, so that they might not be suspected of indifference to the truth. This proposition was rejected, by a vote of *fifty-seven*, against *fifty-three*. It was then proposed, that, before acting on the advices, they should voluntarily sign a declaration, of their belief in the Trinity, simply to prevent the fact from being doubted. This was resisted, on the ground, that any such statement, would seem to warrant the claim of a similar statement from others, since the number and respectability of the meeting would of itself, confer some authority on their declaration, and give it the effect of a Creed or Test. Upon this question, whether any such declaration of their

own belief, should be made or not, the meeting separated into two parties, and a controversy arose, which raged for some time all over England, gave rise to a multitude of pamphlets, and ended, as such controversies usually end, in rendering both sides more violent, and more obstinate in their respective opinions.

Meanwhile, the two parties met in different places. One made its declaration of belief in the Trinity, and then sent its address, recommending peace and moderation. The other, refusing to declare any belief at all, sent an address, insisting that the Holy Scriptures themselves, are the only rule of faith. The latter, though most of them as good Trinitarians as ever lived, had their names published in what was called 'THE BLACK LIST—'a list of the names, of those Dissenting Ministers, 'who refused to subscribe the declaration for the 'Blessed Trinity.' Mr. Hollis's opinion on this subject, is apparent from one of his letters, dated March 1, 1721.

'I believe all the gentlemen concerned in signing the letter, of whom I was one of the meanest in character, were very far from any plot against the honour of our Lord Jesus, whom we believe God over all, blessed forever. But if it must be called a plot, it was to restrain a few over heated zealots from too rash censuring their brethren; and to look back, I think had there not been a majority against subscribing the roll at Salter's Hall, at that time, such a Test would have run through all the Churches in England, by this time, which would have endangered many schisms, and silenced many useful preachers, and I rejoice their plot did not succeed.'

Another letter from Mr. Hollis to a friend in New-England, dated August 18, 1722, after mentioning a pamphlet, which he had received from R. I. Morris, then a teacher in the College, proceeds thus:

'I wish you, Sir, to instruct him a little further in the christian doctrine of more extensive charity, and not (to) judge too hastily of his neighbour, and exclude from salvation every one, that differs from him in explication and belief of the article of the Trinity; a glorious truth it is, but the manner of explaining it appears difficult, so difficult, that scarce two can say exactly alike, except they agree on a form, and agree to write after it.'

In the History of the Dissenting Churches, by Walter Wilson, a decided Trinitarian, the paper of advices signed by Lord Barrington and Mr. Hollis, is thus spoken of:

'In the mean time, a paper of advices was drawn up with the professed design of healing the breaches, that had been made, and promoting charity and mutual forbearance, but the real motive was to screen the ministers at Exeter.'*

If this remark is intended to insinuate that those, who signed that paper, desired to screen the Exeter Ministers on private or personal grounds, or had any other motive than that, which they professed, it is not candid nor just. But if it only means, that their object was to heal the breaches, that had been made, and promote charity and mutual forbearance, by screening Clergymen in Exeter and elsewhere, from being turned out of office, or from being censured or questioned, for disbelief of the Trinity, the remark is undoubtedly correct. It is most manifest, that this was the precise object of Mr. Hollis and his friends. Is it not utterly

* Vol. III. p. 517.

incredible then, that those, who at this day, desire to have any man turned out of his office or compelled to resign it, or subjected to censure or scrutiny, on account of his disbelief of the Trinity, should pretend to shelter themselves under the authority of Hollis—whose example is their condemnation? The declaration above cited, and especially that clause of it, which states *the Scriptures to be the only perfect rule of faith and manners*, as well as the Statutes themselves, were evidently drawn up with a full recollection of this controversy, and of the letter of advices recommended to the Clergy.

There is a document in the College, dated August 2, 1721, and entitled 'Rules and Orders relating to a 'Divinity Professor, in Harvard College, New Eng-'land, drawn up at the request of Mr. Thomas Hollis, 'and unanimously recommended by us, as necessary 'to answer his useful design.' It is signed by seven Clergymen, and agrees in every thing material to this discussion, with the statutes adopted by Mr. Hollis, in establishing his Professorship, which statutes bear date January 10, 1722. The form of the Declaration, subjoined to these statutes, was added after the rules were first recommended. Of these seven Clergymen, one signed the declaration of belief in the Trinity, at Salter's Hall; one refused to join either party in that controversy, and *five* are on the Black List. Now is it possible to believe, that Hollis, and his friends who were on the Black List, meant to require his Professor to submit to a *Test*, and formally to declare his belief

in the Trinity?—the very thing they had been contending against so strenuously. He is to declare, that he will observe the statutes, and therefore be sound or orthodox; and this, we are told, they meant for a declaration of belief in the Trinity. He is to declare at the same time, that he believes *the Scriptures to be the only perfect rule of faith and manners,* and promise that he will open them to his pupils, with integrity and faithfulness, *according to the best light that God shall give him.* This was the doctrine of the opposite party, in the great struggle then hardly ended; and if these two things can stand together in the same Instrument, it is a pity, that the discovery was not made in season to reconcile the disputants, or to prevent their rupture. But if Hollis thought it sound and orthodox, to believe in the Scriptures, as interpreted by the conscience of each believer for himself, then his direction how to explain and open them, is not a contradiction of the soundness or orthodoxy, which he requires, but an explanation of it. Is it not manifest, that this was his opinion?

And was he not right? Is not this true orthodoxy, and every thing else sectarianism? What is the use of a creed? Do not the words of Scripture, express the meaning of Scripture better than any others can? Are not the exact words of every written instrument the best evidence, and in law, the only admissible evidence of its meaning? It is said, that a man must assent to something, in order to show that he is a Christian.—Why not offer him the Scriptures? It takes no longer time

to assent to a long instrument, than to a short one, if it has been read and considered beforehand. But then different people interpret the Scriptures differently, and creeds are made to prevent this.—That is the very thing, which no man has a right to prevent; for to do so, is preventing freedom of conscience. We are told, however, that every man must have a creed, that what he believes, is his creed, and that to state it, is only stating his opinions.—If this were indeed true, if a creed were nothing but an exposition of what is believed by him who makes it, no reasonable man could object to it. But it is not so. It is an *authoritative* statement of opinion, and purports to set forth not simply what a man in fact believes, but what he *ought* to believe. This difference, though slight in form, is mighty in effect, and inveterate enough in its venom, to poison the whole fountain of Charity.

There is precisely the same difference, between an opinion and a creed, that there is between the argument of Counsel, and the decision of the Court. The Counsel sets forth his opinion of the law, with his reasons and authorities to support it; but when he has said all, he has said nothing binding on others, or even on himself, or which any body ought to obey. But when the Court gives its opinion of the law, this binds itself, and all the world within its jurisdiction, and every body must obey it. It is true, that a creed is not said to derive its force from the authority of its framers,

but from the fact of its expressing the true sense of the Scriptures. But whether it does express the true sense of the Scriptures or not, is the very question at issue. It says *authoritatively* that it does; and that all men ought to find the same sense in them. And this is exactly what no human authority has any right to say. In stating that creeds assume authority, I do not mean that they claim, at the present day, the authority of Civil Power, but they do claim the authority of Truth, which is that of commanding assent.

The advocates of creeds in our age, admit, indeed, that the religious sentiments of an individual ought not to be controlled by the authority of the State, or by any society, *to which he has not voluntarily attached himself*.—But in this exception lies all the evil. A man has no right, however voluntarily, to transfer to others the power of dictating his faith; and others have no right to accept that power. It is not merely freedom from the unjust exercise of civil authority, that is to be maintained; but freedom of opinion from the authority of opinion, and the man, who surrenders this, surrenders his liberty. Any association of men, therefore, for the purpose of applying a particular human creed as the rule or measure of faith, though it be only of their own faith, is an association for a bad purpose. These remarks are not applicable to the articles of the Church of England, if understood, as Dr. Paley understands them, to be articles of peace. They would present a very different question, which it is not my design

now to consider. But it is urged, 'How can two walk together, unless they are agreed?'—They cannot, unless they are agreed upon their path; but they may disagree about other things. Let the path be the Scripture in the words of the Scripture, and all men may walk in it together in charity and peace. Without doubt, every man may endeavor to propagate his own religious sentiments by reason, argument, and persuasion, and especially by showing in his conduct, that they are productive of all the virtues, including *charity;* but this does not give him authority to condemn the sentiments of others. He may allege, that they do not accord with his belief and his convictions, but he has no jurisdiction to decide, that they are repugnant to the Scriptures. Let no one suppose, however, that his belief is a matter of indifference, and that he may choose what faith he pleases. The only opinion which any man can innocently hold, on any important religious question, is that, which he finds after faithful and diligent search, by his own light, to have the sanction of the Scriptures.

But it has been asked, 'If I really believe, that certain 'doctrines are *essential* to Christianity, may I not as-'sert this?'—I answer, certainly, you may assert, that you *believe* them essential, for that is an opinion; but not decide, that they *are* essential, for that is a judgment. I would ask these inquirers in turn, what they think of him, who interpreting the Scriptures according to his best light, considers the same doctrines unessential? If they reply, that he is right, they are orthodox; if they say, that he is wrong, they are sectarians. They are not asked to pronounce their own

opinions erroneous. Their opinions are right for them, and his opinions right for him. But they cannot claim to determine what is right in the abstract, independently of him or themselves; for whatever is right in the abstract, however determined, is binding upon all men, and of course they have no right to decide it. Their argument is tantamount to this, 'I 'sincerely believe, that I have a right to control the 'consciences of men, and therefore I will assert it, 'and act accordingly, for it is a violation of my Chris-'tian liberty, to prevent my acting according to my 'belief.' This needs no refutation. In the narrow little court of his own conscience, every individual is Supreme Judge. The Theologians on all sides, may argue the cause before him, and set forth their opinions, their reasons and authorities. But after all, he must decide for himself; and if he has any regard for his rights or his liberty, he will let no one of them all usurp his power. This is the only true orthodoxy, and I entertain no doubt, that it was the orthodoxy of Thomas Hollis.

But it is further objected, that a part of the Professor's salary is paid from the College funds.—Now how can this be otherwise? Since a century ago, the College made a contract, that for the payment of a certain sum of money, they would support such a Professor for ever. If the interest of the sum thus paid is sufficient for his support, it is very well; but if not, the College must make up the difference, or violate the contract. This always has been the case, and always must be so, until we shall be willing to infringe the obligation, or unable to fulfil it. Would

it be fair or just to take funds, given to us at the present day for the extension and improvement of the Theological Department, and apply them, not to this purpose, but to that of relieving ourselves from the burden of an obligation contracted by our own voluntary act, in the last century?

But there is a Theological School connected with the College, and this school is said to be sectarian.—In what University of New England is not Theology taught? The College has always held funds, to aid graduates in pursuing this study; or at least for more than a century; and the Hollis Professor was always bound to give them instruction. In the year 1816, a large sum was raised by subscription, to improve the education in this Department. Nobody, at that time, suggested the idea of abolishing it. If it was worth having, it was worth improving; and this money was therefore solicited. It was to be appropriated to the use for which it was given, by a Joint Board composed of the Corporation and of five trustees, chosen by a Society, consisting of the contributors to the fund. About eight years afterwards, another sum was raised by subscription, to erect a building, for the use of the students in that Institution, and was so appropriated. At the same time, it was agreed, that the Society of Contributors to the Theological Fund, should appoint a Board of Directors, who should regulate and oversee the Theological Seminary, under the obligation, of course, to submit all their proceedings, according to the Constitution of the College, to the revision of the President and Fellows, who are responsible to the Overseers and to the Public, for the management of every

part of the Institution, and cannot get rid of that responsibility, if they would. In this state, things continued till last year, when the Trustees and Directors, entertaining the opinion, that the public interest did not require them to serve the College, in that capacity, any longer, communicated this opinion to the College Government. What could be done or said? They had served the Public seven years, gratuitously, zealously, ably, successfully; and how could they be compelled to serve it longer? All that could be said, was, that we were grateful for their services; and if any other eight gentlemen will undertake the same labor, for the relief and assistance of the College Government, it will no doubt be equally grateful to them for their exertions.

Last year one of the Professors in the Theological School resigned his office, and another was appointed in his place. This opportunity was taken to alter the Statutes or Regulations of the Department, and the new Statutes were the subject of the discussion last winter in the Board of Overseers. They had no other object or effect, than to determine the duties of the different members of the Theological Faculty within the Department itself, and to empower that Faculty to regulate the Seminary, under the control of the Corporation; except in providing, that the duty of performing the usual services in the College Chapel should now be assigned to the three Professors, and not as formerly to the Senior Professor alone. The President is named head of the Theological Faculty; but so he was in the original Statutes, for which these were substituted. He was always

head of this, as well as of the Faculties of Law and of Medicine, and of every other Department of the College, for the plain reason, that it is his peculiar and appropriate duty to see, that the laws are executed in them all.

But the College Government has sometimes been blamed not for what it has done, but for what it has omitted to do; for not separating the Theological Institution entirely from the College.—Sir, I entered the Corporation with the strongest conviction, that this object was most important and desirable, perceiving how much prejudice against the College was caused by the union with it of the Theological Seminary, and I sat down with a serious design to devise the means of accomplishing it. But a difficulty met me in the outset, which I never could surmount, and which still seems to me insuperable. The funds were all expressly given and solemnly accepted for the purpose of promoting Theological education *in* Harvard University. Not a dollar of them could be appropriated otherwise consistently with the will of the donors, who are so numerous, that it would be quite impossible to procure their assent to a change of the appropriation; and many of whom, indeed, are dead. It may have been unwise to contract this engagement. But since it is contracted, neither wisdom nor honesty will permit its violation. All that can be done, since the Department must exist in the College, is to take care that it be Orthodox, according to Hollis; that the teachers, while maintaining their own opinions, whatever they may be, which it is clearly their right and their duty to do, shall maintain them as arguments, not as de-

crees ; as opinions, not as a creed having authority. I hope that they will do so, and will state fairly to their pupils the tenets of other Christian sects, and inform them in what works these several tenets are most ably vindicated and maintained ; and tell them, after all, that none of these doctrines are obligatory, that none of them are even right for him, who does not find them, according to his own light, in the Scriptures. So I hope, and so I believe.

But it has been asked, why not put a fair proportion of Calvinists into this school, and let each doctrine be defended by its friends ?—Sir, if there were a vacancy in that school and the man best qualified to fill it were a Calvinist, provided that he were orthodox also, according to my understanding of orthodoxy, I would vote for him to-morrow. But if he would go there to maintain, that his opinions were right in the abstract, and of course binding, and those of his colleagues abstractly and essentially wrong, and therefore inadmissible and dangerous ; and to convert a Seminary, which ought to be a place of secluded and diligent study, into an arena for Theological combats, I would not enable him to accomplish this design. The only Calvinists, to whom I object as officers of the Theological Seminary, are those, who are not in this sense orthodox ; and to Unitarians not thus orthodox, I equally object.

The assertion, which has been made, that a portion of the money paid by undergraduates for their education, has been applied to the support of the Theological Seminary, is not correct. It has been already shown, that the undergraduates do not pay nearly the

whole expense of their own education, and that the deficiency in the salary of the Hollis Professor is made up from the funds of the College, by virtue of the original contract. The whole amount paid to the other officers in that Department is thirty-five hundred dollars, while the net income of the funds belonging to it, including the amount of the annual contribution at the lowest rate, and excluding the Hollis fund, is stated to me, from official sources, at thirty-eight hundred and ninety-six dollars.

It is objected that the preachers in the College Chapel are Unitarians.—But then no student is required to hear them. Every one may attend any other church, which he or his parents shall prefer. Our adversaries themselves admit the existing law to be right in this respect; but they still insist, that the old law allowing the privilege of attending another church to Episcopalians only, was most narrow and illiberal, and evinces the sectarian spirit, in which the College Government is administered. This one word 'Episcopalian,' is detected and seized on, and without the least inquiry into the occasion or circumstances of its use, we are instantly condemned; and all, who are not Episcopalians, are called on to resent the distinction, as injurious to themselves. Now the real truth is, that when this law was passed, there were, as I am informed, only two places of public worship in the village of Cambridge; one the church of Dr. Holmes, a firm Trinitarian, at which the students regularly attended, and the other, the Episcopal church; and the law allowing those, who did not like to attend Dr. Holmes, on account of their having been

educated as Episcopalians, to attend the Episcopal church, granted all, that could be granted. The legisators did not think of enumerating all possible Christian sects, and providing, that whenever any one of them should erect a place of worship in Cambridge, the students might attend there. And this is what is called illiberality. Other churches are now erected, and the students are allowed to attend any, which they please. It is true, that the law was not altered, as soon as a new meeting-house was built; but I am not aware, that any body asked for its alteration. There could hardly be a motive for it, since the practice was always more indulgent than the law. Any student might always apply to the President, and if he could satisfy him, that he had conscientious scruples and was not merely capricious, might have those scruples, gratified. It is not a great many years, since there was a Jew in Harvard College, who was expressly permitted to pass Saturday with friends of his own faith in Boston, and to abstain from all Christian exercises on the following day. Catholics have been there also, and they were allowed to attend the Catholic church in Boston, on Sundays, and on all other holydays, obligatory according to their religion, numerous as they are, and were excused from any attendance in College on those days. I have heard of a Sandemanian, too, who was expressly permitted to worship no where, and to pass the Sabbath in his father's house, and all this under the old law. What can we do, or what can we say, to secure ourselves against such attacks as these?

But it is alleged, that the prayers are made by the

Professors in Theology, and may pervert the minds of the pupils.—Surely, no one in New-England can contend, that so large a family should not have any morning and evening prayers. It is true, that the Theological Professors pray; but who else should pray? And, after all, what is the objection to their prayers? The Rev. Dr. Codman, who is incapable of perverting the truth, for the benefit of any cause, states it distinctly thus; 'I do not pretend to say, that the officiating 'Professors will introduce subjects of controversy into 'their prayers; I believe them to be too wise, and 'too serious. But if consistent with themselves, they 'will certainly *omit* many things, which the children of 'the orthodox part of the community have been accus-'tomed to hear from the lips of their pious parents, at 'the domestic altar.' Now, Sir, what is this charge? It is expressly admitted, that the prayers will contain no matter of controversy; nothing to startle the most timid conscience. But then they will *omit* some peculiar doctrines. The objection is, not that they *contain* Sectarianism, but that they *omit* Sectarianism That is the charge, that is the sin, and that is the truth.

It has also been asserted, that none but Unitarians are ever appointed to office, in Harvard College, and this assertion has been so often repeated without contradiction, that it seems to be taken for granted, that it is true, and that men are appointed to office there *because* they are Unitarians.—Let us, at last, inquire into the facts. On a recent occasion, when a gentleman, whom the Corporation thought the best qualified for an office in their gift, was asked if he would accept

it, in case of his election; he expressed his willingness to do so; but thought it fair to inform the Corporation beforehand, (having, no doubt, heard all these reports about its Sectarianism,) that he was not a Unitarian but a Trinitarian. With this information, the Board proceeded to the election, and he was chosen unanimously; not for his Trinitarianism, this had no influence one way or the other, but on account of his fitness for the office.

Since I began this letter, Sir, I have taken a list of the College officers, and marked the names of all, who have been appointed within ten years; selecting that period not with any reference to the result, but because I thought it long enough, and was persuaded that nobody will hold us responsible for the sins of our predecessors, generation before generation. There is but one member of the Corporation, who has been in it so long. I did not know to what religious sects one half of the persons, whose names I noted down, belonged, but sent to Cambridge to obtain information on this point, and will now state to you the result of my inquiry. Among these names are those of four Professors, whose instructions are confined entirely to graduates, and who receive nothing from the general funds of the College, two in Law, and two in Divinity. The reasons for not putting Calvinists as teachers into the Theological school, have been above considered, and besides one of these two Professors was appointed by the Founders of the Professorship themselves, who established the office only on condition, that the present incumbent should first hold it. The case is the same with one of the Professors of Law; he was appointed

by the Founder. The other was selected by the Corporation, and my informant tells me now, though I did not know it before, that he is a Unitarian. The only *permanent officers* having any connexion with the undergraduates, or receiving any pay from the College funds, who have been chosen within that period, are the President, whom I consider orthodox according to Hollis, and who does not allow himself to be called either Unitarian or Trinitarian, or to be designated by any party name, and the following persons; the Librarian, the Steward, the Janitor, the Professors of Chemistry, German, and Latin, three Tutors, the Instructers in French, in Italian, and in Elocution, the Curator of the Botanical Garden, and the assistant Steward, in all fourteen. Of these, I understand, that three are Catholics, that one is of the Evangelical Lutheran Creed, one a Calvinist, one a Sandemanian, that one attends the Episcopal church, and one belongs to a family of Quakers; eight in the whole; and I suppose these sects to be all Trinitarian. The other six, I am told, are Unitarians. Besides these, the two persons employed by the Treasurer and Secretary of the College to keep their books, receive compensation for their services. One of them is a Unitarian, and the other a Calvinist. The three or four Proctors usually there, are chosen from year to year, from among those graduates, who are residing in Cambridge, and pursuing the studies of their respective professions. It is said, that one of those now there is a Calvinist. If they are in general Unitarians, which I presume to be the case, there is this plain reason for it. They are selected from among the graduates of Harvard, be-

cause these are best qualified for the office, and if the Calvinists of the day will not send their sons there, how can we choose them? Let Calvinistic young men go to Cambridge to be educated, and distinguish themselves by their talents, and diligence, and good conduct, and they will be promoted to office according to their merits. Or if they are not, let them complain as loudly as they please.

With regard to the distribution of College honors and benefices among the students, there is not the slightest suspicion in this vicinity, among those who know any thing about the College, that it is influenced in any manner whatever by any party feeling, religious or political.*

But not a little noise has been made about the Union of Church and State.—The difficulty of answering this charge arises from that of comprehending its precise meaning. Does it mean, that our Executive, Legislative or Judicial Departments control the decisions of any individual on religious subjects, or that any religious sect or party controls the decisions of either of those departments on civil subjects? Can any man in his senses assert this? There was a time,

* The effect, which these benefices or allowances to poor students produce on the number of the undergraduates, has already been alluded to, page 8, and is strikingly evinced in the history of the College. There were more students there in the ten years following 1813, than usual, and as the same objections were urged against the College then as now, the only reason, that can be given for it, is that during that period, the State granted to the College twenty-five hundred dollars a year for the use of poor and meritorious students. When that grant ceased, the number of students became somewhat less, but there has not been at any time any gradual and continued declension in the number of the undergraduates, as the enemies of the College so frequently assert.

when Church and State were united in Massachusetts, and it was the fault of the age, and not of the illustrious men, who lived in it. But that time has gone by, and the Legislature will take good care, that it shall not return, at least in this generation.

The main business of the College in that day, was to teach Theology, one particular modification of Theology. In this enlightened age, a public education embraces the whole circle of the sciences and the liberal arts, and Theology forms only a very small part of it. To let a jealousy, therefore, against the manner, in which this one branch is taught, extend itself to all the others, and give rise to reproaches against the whole Institution, is something less than candour and even than justice. There is no fear, that the State will intermeddle with religious faith; and I believe, that the great majority of Christians among us, of every persuasion, and indeed, of every profession and pursuit, are fully satisfied, that the days of Ecclesiastical domination, whether over civil government or private conscience, are ended; and that all religious Instructers, who would maintain their proper dignity or influence, must be content to teach, and cease to dictate.

But then it is objected, that the Executive and one Branch of the Legislature form part of a Board of Overseers, for confirming or annulling the election of Officers of the College, and other proceedings of the Corporation.—Now, one would think this must be a security against sectarianism, instead of an encouragement of it; unless these departments and the people, who choose them, are themselves sectarians. And is

not something of the same kind done in relation to Amherst? Are not some of the Trustees of that Institution appointed by the two Branches of the Legislature; and this without objection?

These appeals to the people, however, against the influence of public officers, annually elected by the people themselves, are not likely to produce much effect; and it gives us some confidence in the goodness of our cause to find, that many of those, who are most zealous in accusing the College of Sectarianism, show what spirit they are of, by bringing the same charge against the Legislature and the Judiciary of the Commonwealth.

But the complaint urged against Harvard with the greatest zeal, and no doubt with the greatest sincerity, is that it is *not orthodox;* and this is probably the real difficulty.—The College is condemned, not because it is in the hands of a Sect, but because it is not in the hands of *the right Sect.* While it was Orthodox, in the sense of those, who thus complain, all was just as it should be, and it was the duty and the privilege of the State to protect, and even to support it. But now, when it is supposed to be under the influence of a different Sect, now it is to be cut off and abandoned. Is not this calling on the State to treat different Sects in different manners, and introducing into religious subjects that very Civil Power, whose interference in them is professedly deprecated? If it must be under the control of some Sect, as they allege it must, (though I know not why) it ought to be a matter of perfect indifference to the State, as a Civil Power, which Sect that is, and each Sect, as it happens to be in possession of it, ought to be equally protected.

The State, however, ought not to give funds, it is said, for the advancement of any one religious party, or indeed for any religious purpose. To this, I heartily agree, and I presume that whatever the State shall give to the College, will be given in such a manner, that it cannot be applied to the Theological Department. But we are told, that even those funds, which have heretofore been given for the benefit of the undergraduates alone, *will* be applied, or *may* be applied, to the use of the graduates in this Department.—No doubt, Sir, these, or any other funds *may* be misapplied, and used for purposes, to which they cannot rightfully be appropriated. But the possibility of abuses can never be prevented. That they *will* be thus misapplied, is a strong assertion. If there is any reason for such an apprehension, it ought to excite the strictest vigilance. When they *are* so misapplied, or when there is any good ground for suspecting it, let the abuse be ascertained, corrected, and, if need be, punished, by some competent legal tribunal. Let the Supreme Judicial Court take up the matter and decide it, as they decide other things, upon distinct charge, proof and conviction ; but do not let us have sentence and execution, without trial, hearing and judgment, according to law.

And now, Sir, having taken some notice of all the charges, which I have heard of against the College, without knowing the sources of many of them ; I submit the charges and the answers to your candid judgment. Let those, who think of crushing that Institution, consider what it is. It is not the Officers, high or low ; these are but its servants. The Young

Men are the Institution. Let its enemies go and look at them, and see if they have the heart to crush them. And if they have the heart, let them see if they have the power. No, Sir, they have it not. These are the ornaments of Harvard, her jewels and her pride. They are her support, also; and they *can* support her, and *will* support her, and the People of Massachusetts will support *them*, and their cause therefore will assuredly triumph.

I have the honor to be, Sir, with the highest respect, your most obedient servant,

F. C. GRAY.

Boston, April 16, 1831.

APPENDIX TO THE SECOND EDITION.

As this Letter is found to circulate more widely, than was anticipated, it may fall into the hands of some, who are not sufficiently acquainted with the organization of the College, to perceive the precise bearing of every part of it. For their information, it may be stated, that the ultimate and entire control of the Institution is vested in the Government of the University, composed of two distinct bodies; the Board of Overseers and the Corporation. The former consists of the Governor, Lieutenant Governor, the Council, the Senate, the Speaker of the House of Representatives, and the President of the University, who are members of it by virtue of their respective offices; together with fifteen Clergymen and fifteen Laymen, who are elected, as vacancies occur by the Board. By a standing rule no such election is made, nor the choice by the Corporation of other important officers confirmed, except during a session of the Legislature, when the official members, from all parts of the State, may conveniently attend the meeting. There is, however, much business of detail, especially near the time of the annual Commencement, which must be acted on, when the Legislature is not in session. The desire of securing a reasonable attendance at such meetings, is probably one motive with the Board for choosing most of the elective members from the vicinity of the College. Another motive may be, that their residence in this neighbourhood and their

permanence in office must enable them to become more intimately acquainted with the management of the Institution, and of course more competent to discover its defects and to suggest remedies for them, than they otherwise could be.

The Corporation (styled in law, The President and Fellows of Harvard College,) consists of the President, five Fellows, and a Treasurer, and in this body all the property is legally vested. Vacancies in it are filled by vote of the remaining members, with the concurrence of the Overseers. The President and Fellows appoint all officers for the instruction and discipline of the students, and make rules and regulations for the management of the University in all its Departments, subject to the confirmation or disallowance of the Overseers. But the Government, thus constituted, takes no part in administering those rules and regulations, and never acts in relation to any individual student, excepting on his application for exemption from some general law, for pecuniary aid, or for relief against some supposed error or wrong on the part of the Faculty or of some College Officer.

The Faculty of the College, consists of those officers, who are employed in the discipline and instruction of undergraduates, and by whom honours are bestowed, punishments inflicted, and the whole business of instruction and discipline carried on. The Faculties of Theology, Medicine, and Law, consisting of the Professors in these several Departments, confine their instructions, as such, to graduates preparing for their respective professions.

At the head of all these Faculties is the President of the University, it being his peculiar duty to see that the laws are enforced in each, and to report to the Government every abuse which may creep into either, in violation of a law or for want of one. The Hollis Professor gives instruction both to graduates and undergraduates, and belongs to the general Faculty of the College and to the special Faculty of Theology also. Three of the five Medical Professors likewise give instruction to undergraduates, but neither of them is a member of the College Faculty. The other members of the three special Faculties confine their instructions to their respective schools.

The Corporation enter into minute details in making regulations with regard to the undergraduates, controlling even their course of study, and determining what text books shall be used by them. But the special Faculties instructing graduates are left to settle these things for themselves, and indeed almost every thing else relating to the students in their several schools. The control practically exercised by the Corporation and Overseers over them, is very similar to that, which

the Overseers exercise over the Corporation itself. They ordinarily acquiesce in their proceedings, unless when they think them partial or illiberal, or likely to interfere with the interests of the Institution, of the students, or of the public; and are in general rather a restraining than a directing power. The Medical School is in Boston, the Theological School and the Law School are in Cambridge, but in buildings separate from those occupied by undergraduates. Each of these Schools is entirely supported by funds, which the Corporation are bound by the will of the donors to appropriate to that particular object, and by tuition fees received from its own pupils, excepting in the case of the Hollis Professor, the ground of which exception is stated in the Letter. Not but that the Corporation have a perfect right to appropriate funds left entirely to their discretion to any part of the Institution, as that discretion may dictate. But it is their settled rule to make each School support itself, and to this rule they will probably adhere.

With regard to the Theological School, so many inquiries, and so many complaints have been made, that it may be proper, even at the hazard of being tedious, to enter into some further details in relation to its history. From the earliest times, graduates residing at Cambridge to prepare for the ministry, have received aid from funds granted to the College for that express purpose, and instruction from the Professor of Divinity. In the year 1816, the Corporation, thinking further provision requisite to improve the education of such graduates, issued proposals, with the assent of the Overseers, for raising by subscription, a fund for this purpose, and for forming the contributors to the fund into '*A Society for the Education of Candidates for the Ministry in Cambridge University.*' The terms of the subscription are these;

'In conformity to the foregoing proposals, we the subscribers, being 'disposed to co-operate with the Corporation and Overseers of Harvard 'College in providing for the education of students in divinity, and 'candidates for the ministry at said College, and to aid in forming a 'society for that purpose, do agree to pay the sums annexed to our 'names respectively, to such Treasurer as the Society may appoint to 'receive the same, each annual subscriber to continue to pay his sub-'scription till he withdraws his name by written notice to the Treasurer.'

It was subsequently agreed between the contributors and the College Government, that the money thus subscribed should be paid to the Treasurer of the College, and should be appropriated to the purpose for which it was given, by a joint board, composed of the Corporation and of five Trustees, to be chosen by the '*Society for the Promotion of*

Theological Education in Harvard University,' consisting of those contributors. The income of this fund (excepting a small portion of it given to graduates studying Divinity at the College,) was allowed to accumulate till 1819, when part of it was applied, in aid of a fund formerly given by the father of the late Samuel Dexter to found a Professorship of Biblical Literature; and the Professor on this foundation, with the Professors of Divinity, of Hebrew, and of Natural Religion gave regular courses of lectures to the students in the Theological School; to whom also the Rev. Dr. Holmes gave lectures in Ecclesiastical History at the special request of the Corporation. Many members of the Society, and some, I believe, of the Corporation, were desirous that the school should be separated as far as possible from the College. Some persons thought a total separation ultimately possible, which others doubted, while some thought it neither possible nor desirable. The views of the Society as a body can only be known from its official acts.

From a report accepted by them in 1826, it appears, that 'one respectable Committee of the Society, who had considered the subject, made a 'report (in 1824) recommending an entire separation of the Institution 'from the University. But such a separation, if desirable, was judged 'to be impracticable. The new fund raised by the Society to be used 'in connexion with the resources of the College, which the Corporation 'had engaged to apply to the same object, could not, it was thought, be 'withdrawn without varying the terms and affecting the trust, upon 'which the fund was granted. This report, therefore, was rejected, and 'the whole subject was referred to a new Committee.' This new Committee, consisting of Judge Jackson, Judge White, Mr. Hoar, Dr. Channing and Dr. Lowell, made a report in October, 1824, in which doubts are expressed whether the proposed separation can be lawfully effected, for the following reasons, which it is not easy to refute;

'The funds of the Society consist of contributions made on certain 'proposals of the Corporation, for the purpose of promoting Theological 'education in the University. Many persons might have contributed 'for that purpose, who would not have given their money to establish 'such a school in another place and under a different government. It 'may therefore perhaps be considered a violation of the trust reposed in 'this Society by each one of its members, to make so important a change 'in the Institution without the assent of every one who has contributed. 'Several of the original members have already died; and as their interest 'in this fund was not an estate transmissible to their heirs or executors, 'there is no person now authorised to assent in their behalf to the pro-'posed alteration. The whole power, which the present members have

'with respect to the Institution and the funds belonging to it, will be 'enjoyed by their successors after their death; and thus, if the present 'members have the power in question, it may happen at a period not far 'distant, that other material changes may be made in the Institution by 'persons, who have now no connexion with it, and the funds it now 'possesses may be diverted to other uses by those who have contributed 'nothing to the present funds. It appears also very clear that the pro- 'posed separation cannot be effected without the assent of the Govern- 'ment of the University; and such assent would undoubtedly be withheld, 'if the granting of it would involve a violation of the trust reposed in the 'Government, either as it respects the whole community, or those mem- 'bers of the Society whose consent to the measure cannot now be 'obtained. The Committee, however, have not thought it necessary to 'form a decided opinion on this question of the right to separate the 'Society from the University, because they are of opinion that such a 'measure, if practicable, is, under all the circumstances of the case, 'unnecessary and inexpedient.'

The Committee, therefore, instead of proposing to withdraw the school from the University, recommended some changes in its organization. This report was accepted *unanimously*, and a Committee was appointed to frame a constitution in accordance with it, which constitution was adopted, with the assent of the Corporation, in November, 1824. By this constitution, the Directors of the Society were to take the general oversight and superintendence of the Institution, submitting their regulations to the Corporation for their assent, in all cases wherein by the constitution of the University such assent should be requisite, and were also to appropriate all funds thereafter received in the manner directed by the donors, or for want of any such direction, then so as best to promote the objects of the society as expressed in its constitution. This power to regulate the Institution was derived from the College Government, who alone could grant it, and was exercised on the responsibility of the Government, since that responsibility could not be delegated, and of course under their control. In regulating the school, therefore, the Directors acted as agents of the Corporation, but their power in disposing of the funds was derived from the donors.

The 10th Article of this new Constitution is as follows—'If at any 'time hereafter, the Society shall think it best to appropriate the funds 'to be hereafter collected, to a Theological Institution, disconnected 'from Harvard College, and if the Directors of this Society, and the 'President and Fellows of Harvard College shall assent thereto, it 'shall be lawful for this Society to appropriate all the said funds here-

'after collected, to such other Theological Institution.' Some persons have considered this as contemplating the future separation of the school then existing from the College. If it did contemplate it, this would not make it lawful. But it seems to me to contemplate no such thing, for three reasons. First, this Constitution was framed in accordance with a report declaring such separation unnecessary, inexpedient, and of doubtful legality. Secondly, the article speaks only of some *other* Theological Institution, not of any separation from the College of the existing one. Thirdly, it refers only to funds *thereafter* to be collected, thereby expressly admitting, what would be equally true if not thus admitted, that the funds previously collected could be appropriated to no Institution disconnected from the College. And even if the existing Seminary could be separated from the College, it would by that very act be disqualified from receiving any benefit from the funds given for the education of Theological Students at Harvard University.

The same Committee which recommended this new organization of the Society, strongly urged the importance of providing a building for the Students in Divinity, so that they might be separated entirely from the undergraduates. In conformity with this part of the Report, the Directors issued a circular letter in January, 1825, soliciting contributions for this purpose. The subscription paper circulated on this occasion is thus drawn up.

'We, the Subscribers, promise to pay over to Samuel A. Eliot, 'Treasurer of the Society for the promotion of Theological Education 'at Harvard University, the sums severally set against our names, it 'being understood that the funds thus collected are to be appropriated 'by the Directors of said Society, for the purchase of land and the erec-'tion of a building for the use of the Students in the Theological School 'at Cambridge.'

With the money thus raised, together with a still larger sum appropriated to the same object by the joint Board, from the funds received under the first subscription, the building now occupied by the Theological Students was erected. Now the only Theological School at Cambridge was that in the University, and to the use of the Students in this therefore the building constructed by the aid of the second subscription must be applied by the express will of the donors. It can no more be used for the other Theological Institution disconnected from Harvard University, contemplated in the tenth section of the Constitution, or for any other school than that in the University, to which it was given, than it can be used for a market or a tavern.

Whoever therefore has expected that this School, together with

the buildings, and the funds given for its maintenance, would be entirely separated from the University, has expected what is incompatible with the law, and what neither the Society, nor the College Government, nor any other body of men have the power to accomplish. All the separation that was ever possible, was the separation of the Society from the College; so that it should cease to be a Society for Theological education *in Harvard University.* This has recently taken place, and the Directors may now appropriate any funds in their hands, or which may hereafter be received by them, if not otherwise appropriated by the donors, to the establishment of another Institution disconnected from the University, as contemplated in the 10th section above cited, whenever they shall see fit. Should they do so, and should the Professors and pupils, now in the Theological Department at Cambridge, all quit the College and join that new Institution, neither the present building nor any of the funds, now holden by the Corporation, could be used for their benefit any longer. But these must all be applied to the new teachers and pupils, who should come to study theology, according to the express terms of the donation, at Harvard University. If the College Government could sever this Department from the College, and transfer it to an independent Society, it might do the same with every other Department, and transfer those of Law, Medicine, Latin, and Mathematics each to a separate body of men, entirely independent of themselves and of their successors forever. Who can maintain, that the power of governing an Institution implies such authority as this? As well might the Legislature undertake to divide the Commonwealth into four portions, and cede one to each of the adjoining States.

It is probable that some of the votes against the confirmation of the statutes in the Board of Overseers were given by those, who desired a complete separation of the School from the College, and thought that the chance of this event would be diminished by separating the Society from the School. If so, these gentlemen had not sufficiently considered the legal impossibility of accomplishing their object; nor were they perfectly aware of the precise effect of the statutes then under consideration. The Society and Directors were not separated from the School by these statutes; but had withdrawn from their connexion with it last Autumn, after courteously asking the opinion of the Corporation and finding it to coincide with their own. The only effect of the statutes on the condition of this Department of the University was, to transfer the power of making regulations for instruction and discipline in it;—a power formerly exercised by the Directors under the control and re-

sponsibility of the Corporation, and which, on the retirement of the Directors must, without these statutes, have been exercised immediately by the Corporation itself;—to transfer this power to the Theological Faculty, and thus place them in the same state of practical independence in the ordinary management of the School, and of subjection to the authority of the College Government, whenever they shall see fit to exercise it, in which the Faculties of Law and Medicine are placed. So that the business of instruction and discipline, formerly regulated and carried on partly by the Faculty and partly by the Directors, is now committed to the Faculty alone, subject, of course, as the Directors were, to the control of the government. The Corporation themselves must have made regulations for the admission, instruction, and discipline of the Students in Divinity, if these statutes had not passed; but by these, they delegated this authority to the Theological Faculty, retaining only the power of revision and control, and the responsibility which that power implies; a responsibility, which they can neither lawfully relinquish nor honestly evade.

Such is the connexion of this Seminary with the College government; and it is not easy to imagine any other state of things, in which so little authority should be exercised by the government over the school, unless all connexion between them be destroyed; which would occasion the forfeiture not only of the funds received, but of our plighted faith also, and the violation of our solemn obligations to obey the directions of the living and to fulfil the will of the dead. Those, who recommend incurring the forfeiture of these funds, cannot certainly be aware, that it involves a gross dereliction of duty.

Some persons seem to imagine, that there is more Theological instruction given to the undergraduates now, than formerly.—But the fact is far otherwise. The College was founded, like most others in New-England, principally with a view to education in Divinity. In that day, this was all in all, and every thing else was less than nothing; so that even our legislators and magistrates then sought precedents and authorities for the administration of civil government, in the historical and ceremonial books of the Old Testament. The proportion, which the religious instruction given to the undergraduates, bears to their whole education, is less now than ever before, and less, I presume, than in any other College in New-England. The text-books used by them in this department are Paley's Evidences of Christianity, and Butler's Analogy, books certainly unexceptionable. The private lectures required by Hollis of his Professor, which were formerly given to the assembled classes of Seniors and Juniors, are now confined to one

term in the Senior year. His public lectures, given every week to all the classes, and which are, in substance and in form, a series of sermons, were till within fifteen or twenty years, delivered on a week-day, so that all the Students were obliged to attend on them, as on other public lectures. But at present, they form a part of divine service on Sunday, and are heard only by those, who choose to worship in the College Chapel. This instruction is given by Dr. Ware, as Hollis Professor, and not as a teacher in the Theological School; and would still be given, though that school had never existed, or though it were annihilated to-morrow. Public and private lectures must be given, by virtue of the contract made with the Founder of the Professorship.

The funds raised in the manner abovementioned for the promotion of Theological Education in the College, and the additional instruction procured by them, are entirely confined to those, who go there for the express purpose of qualifying themselves for the ministry, who reside in a separate building, having even their prayers apart from the other Students, and who are never required to be beneath the same roof with them, in the performance of any College duty.

The undergraduates need hear nothing, but what is stated above, from the Theological Professors or any of them, excepting the daily prayers. To these the only objection seems to be, that they *omit* every thing peculiar to any particular sect or party; and this by the People of Massachusetts will undoubtedly be deemed a high commendation. Surely, if there is any thing, which ought to be uttered, above all others, in the spirit of peace and good will to men, without any appearance of controversy, without the slighest assumption of superiority or intimation of censure, it is prayer. In this, men should seek to humble themselves, not others; and it should contain nothing to excite the most remote idea of contest or reproof, but should be free from every stain of earthly passion, a simple act of devotion, humiliation, penitence, and gratitude. The tendency to contention and to uncharitable allusions, in this service, is one argument in favour of a formulary.

Much has been left unsaid; for it was not my design to say all that I could, in favour of the College, but only what was necessary for the accomplishment of my object. That object is to defend the Institution, which it is my duty to serve, against unfounded charges; not to defend any particular sect, still less to attack any. And if accusations, like those brought against Harvard, were brought against Yale or Amherst, to impede their prosperity and lessen them in public estimation, because the religious sentiments of the teachers in these Colleges were supposed to differ from those of their accusers, I should be

equally ready to condemn, and within the proper sphere of my duty, to refute such accusations. We ought to rejoice in the success of these, and of all our literary Institutions, and in that of our religious seminaries also, of every sect and persuasion; for it is an advantage to the whole community, that all men, and especially the clergy, whatever may be their opinions, should be well educated, since this will tend to render them more liberal disputants, as well as more enlightened guides, and thus be a benefit at once to their opponents and to their followers.

This consideration is of no slight importance, for it has often been observed, that there is more of personality and bitterness in religious controversies, whether among clergy or laity, than in any others. In our Legislative assemblies, excepting in times of peculiar excitement, and in our Courts of Justice, we see men of the highest intellect and character, and sometimes intimate friends, contending against each other with as much sincerity and earnestness, as can be felt on any occasion, yet never permitting their zeal to throw a doubt over their mutual regard, or to interrupt for a moment the freedom and familiarity of their intercourse. Our good nature would persuade us to seek a ground and an excuse for this difference in the strong interest justly excited by the superior importance of religion. But reason rejects this suggestion, as unjust to the cause itself, and inconsistent with all experience. Some of the most bitter and even bloody religious disputes have related to mere forms and ceremonies, now admitted to be trifling; or to verbal distinctions universally acknowledged, at the present day, to be utterly insignificant. And in our Courts and Legislatures if any bickering does occasionally appear, it is commonly in petty causes, or on questions relating to the personal aggrandizement of individuals. But when great interests and solemn principles are involved, the dignity of the occasion elevates the disputants above such weakness. The acrimony of feeling, therefore, which is displayed in religious disputes, not always indeed, but oftener than in other controversies, and which assumes such various forms,—being at one time thinly veiled under overstrained expressions of courtesy, whose very elaborateness proves them insincere and artificial, or under a presumptuous and insulting pity, and at others, betraying itself in hints and insinuations, or even breaking out into direct charges, expressed in such language, as is not heard among gentlemen upon other occasions;—cannot justly be imputed to religion itself. Neither can it be fairly ascribed to any thing in the personal characters of those, who choose to engage in such disputes, for we find among them men, whose hearts, at all other times, overflow with the milk of human kindness.

But whatever may be its causes, (which it would lead me too far now to trace,) it is greatly to be regretted, and to be avoided as much as possible. Yet it is not to be avoided by proscribing all discussion; since discussion is the best means of discovering the truth, and perhaps the only means of keeping up a lively interest in any other subjects, than such as affect our present condition or feelings. So it be fair and manly discussion, undertaken and carried on not for the sake of distinction or power, not to produce popular excitement by appeals to prejudice and passion, or to raise the standard of a name, and get up a contest and a triumph, which may win a momentary shout of applause from the ignorant; but for the purpose of submitting our several opinions to the test of exact, deep, and patient scrutiny, so as to discover the precise points of difference between them, and present those points in the most simple and distinct form to the calm and deliberate judgment of others, and thus to ascertain and establish the truth, for the sake of the truth; it is one of the noblest employments of the human faculties, admitting the exercise of the highest intellect, without precluding that of the gentlest charity. Indeed such discussion cannot be uncharitable; it is impossible for it to stoop from its elevated aim to criminations and recriminations, or to those personal imputations and asperities of language, which discredit any advocate, and weaken any cause. I rejoice to think, that I perceive at the present day, and especially among the rising generation, the prevalence of a better spirit in this respect; and I trust, that Harvard will never be behind the foremost in evincing it.

Those, who are considered more immediately responsible for the government of the College, have been thought supine by many, and been censured, and even taunted by some, for their long silence under the accumulated charges, which have been brought, and are constantly reiterated against that Institution. This silence may have been wrong. But if it was so, the sin of extreme forbearance occurs so rarely, that from all ingenuous minds, it may hope for pardon.

April 28, 1831.

FIRST

EXHIBITION AND FAIR

OF THE

MASSACHUSETTS

CHARITABLE MECHANIC ASSOCIATION,

AT

FANEUIL AND QUINCY HALLS,

IN THE CITY OF BOSTON,

SEPTEMBER 18, 1837.

Boston:
PUBLISHED BY DUTTON AND WENTWORTH,
FOR THE ASSOCIATION.
1837.

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REPORT.

The Board of Managers, appointed by the Massachusetts Charitable Mechanic Association, to superintend their First Exhibition and Fair, beg leave to submit the following Report to the Association :—

Much interest having been excited among many members of the Association, in consequence of the beneficial effects known to have been produced by Mechanic Exhibitions and Fairs in neighboring cities, the following order was passed at a meeting held September 22d, 1836.

"*Voted*, That a Committee be appointed to enquire and report on the expediency of establishing in this city, an Annual Exhibition and Fair for the encouragement of Manufactures and the Mechanic Arts, and the awarding of Premiums."

The Committee having been appointed, after due examination and frequent consultations, concluded in favor of the measure; and their Report was presented on the 5th of January, 1837, as follows :

"The Special Committee, appointed at the last quarterly meeting of the Massachusetts Charitable Mechanic Association, to 'inquire into the expediency of establishing an Annual Fair in Boston—under the direction of the Association—and of awarding premiums,' &c., have attended to the duty assigned them, and beg leave to report, as they do *unanimously*, IN FAVOUR OF THE PROJECT UNDER CONSIDERATION.

"The attention of your Committee has been directed to Philadelphia and New-York, where, for many years past, Fairs have been held annually, with the greatest success—affording not only very general satisfaction to the intelligent and enterprising communities of those cities, and all others who have witnessed them, but a source of considerable profit to the Societies by which they were introduced to the notice and patronage of the public.

"The Franklin Institute of Philadelphia, your Committee learn, has for a long period added two or three thousand dollars to its funds annually, by a fair; and the same remark will apply to the American Institute of New York. At the ninth Annual Fair of the latter, which was held in October last, the receipts were nearly *seven thousand dollars*, and the expenses about

half that sum. The number of articles exhibited was over 12,000, and it is believed that 70,000, people—including the families of the members of the Institute, who were admitted gratis—visited this Fair. It was open ten days and afforded a most interesting, delightful, thrilling sight. Two of your committee were present at this Fair—examined it with great attention for the best part of three days, and in their opinion there is nothing to prevent the mechanics of Boston from getting up an exhibition that shall equal it—brilliant and interesting as it was—in every point of view.

"Your committee are strongly impressed with the importance of exhibitions of this nature, where native talent is drawn forth—the first opening bud or genius indicated, and encouraged. They enable mechanics to become better acquainted with each other, and make them—what they always should be—a band of brothers, all striving by honorable competition to excel each other in their respective works. In an especial manner do they make mechanics and their products better known to the public, to whom they are beholden for patronage and encouragement. Your committee contend that it is for the interest of every individual of this Association, in *dollars and cents*, to establish and encourage an Annual Fair in Boston. Why are many of our mechanics, artisans and manufacturers, compelled to send their productions to New York and Philadelphia for exhibition? It is because competition is there encouraged, and superiority rewarded, by premiums, and diplomas, while at home they are afforded no encouragement in this way. Our Association numbers between 6 and 700 members, embracing mechanics of every profession—many of them of great wealth, and of a high order of talent. There is wealth enough; power enough, physical and intellectual; ingenuity enough—to plan, arrange, open and present to the public an Exhibition that will rival—and may we not hope, if spiritedly commenced, excel—any former display of the kind in this country! All we require is a little of that ENTERPRIZE for which the good people of Boston have so long and so justly been celebrated. We are confident the public will sustain us, if we but assume the responsibility of offering premiums. Unless the experience of New York and Philadelphia is fallacious, whatever may be taken from the funds of the Association will be more than repaid by the sale of tickets on the days of exhibition. If properly and liberally commenced, your committee predict that the project under consideration cannot fail of success, surrounded as we are by a dense mechanical and manufacturing population.

"It has been spoken of as a reproach to New England—and Boston has had her share of the censure—that nothing has been done by her leading men to indicate the pride we all profess for Yankee ingenuity and skill, two qualities of which we are very tenacious, and of which we are always ready to boast. Let us do something to wipe away this reproach. Fairs, wherever they are exhibited, attract thousands of admiring spectators; and it cannot be doubted that the whole country is sensibly benefitted by the concentration of inventive talent and mechanical skill annually found at them, Let us make one experiment, at least; and the day of the Fair, your committee predict, will be a proud one for Boston and her Mechanics.

"Judge Baldwin of Pennsylvania, whose name is identified with the great manufacturing interests of our country, and whose early exertions in favor

of 'HOME INDUSTRY,' by affording it a just and reasonable protection from foreign competition, will long be remembered by the great body of American mechanics, thus speaks of Fairs and their beneficial consequences, in an address which he delivered before the New York American Institute a few years since. It affords the committee great pleasure to be able to quote language so forcible—so pertinent to the occasion—from a source that all will consider highly respectable, and deserving of their respectful consideration:—

'Fairs are interesting as an exhibition of the products of human labor, in those arts which are alike indispensable to private comfort and national prosperity. The experience of all nations, which have held them, has, through all time, attested their good effects, in the incentives which public admiration never fails to excite in the artisan and mechanic, to renewed zeal, and to stretch every faculty of his mind and body to their utmost capacity, in the fabrication of what gives pleasure to every one, and profit to himself.

'The premiums distributed are, to the successful competitor, the public testimonials that he has made some useful contribution to the common stock, worthy of the token of public gratitude earned by his labor and skill.

'The effects of a display and public exhibition of the various specimens of the articles of consumption, in the wide circle of society, promote that competition between the fabricator and seller which never fails to benefit the consumer and purchaser.

'To the young mechanic, who desires to avail himself of improvements in the practical sciences, or mechanical arts, they are the sources of profit and instruction, in taking from the labor of others, to his own appropriate occupation, the means of usefulness to the public and his own interest.

'Mere spectators admire them as a splendid pageant, which captivates the eye by the brilliant effect of an exhibition in one view of the numerous and choicest productions of the useful and ornamental arts; presenting in the aggregate a condensed display of the fruits of the native industry and skill of our countrymen and women, at the fireside, in the workshop, or the manufactory; exemplifying the wants of society, with their means of supply from domestic sources.

'They view with equal admiration its component items in detail, whether formed by the hands of the man, the child, or the woman, by the machinery of a cambric needle, or the mighty power of the steam engine, conducted by the science of the engineer and the labor of the hardy fireman; the materials of its composition, the skill with which they have been fabricated, the combined effect of both, in beauty of appearance, and substantial value for utility or ornament, equally strike the view, and impress the mind with pleasure.

'Fairs are also the practical illustrations of the operations of government, the nature of its institutions, and the course of legislation upon those interests which have been the favored objects of its guardianship; testing their adaptation to the products of the soil, and the inclination of the people, in the results of labor and the material afforded.

'They are also epochs which denote the state of the arts, and the nation, at the different periods of its history; affording authentic historical facts recorded in its annals, handed down by tradition, or evidenced by some relic of former times, preserved to show how their ancestors lived, and the relative condition of the country during the lapse of time.

'And as every nation in the civilized world has some rival in the arts, institutions of government, and systems of policy, each is emulous to excel the other, and to make the most favorable display of its resources, so as to impress upon all who witness them their wisdom and successful results. All these considerations combine to give to the Fairs and Exhibitions of the products of labor and skill a high degree of interest, pleasure and utility.'

With the truth and importance of the remarks of Judge Baldwin, in the extracts here given, your committee are fully impressed; and they would therefore recommend that the Massachusetts Charitable Mechanic Associa-

tion hold a Fair in the fall of 1837, in some central and convenient place in the city of Boston; that the Government, with twelve additional members, to be added from the Association at large, constitute a committee, with full power to make the necessary arrangements for the same; that there be appointed such sums of money as may be required to defray the necessary expenses—and to pay for premiums and diplomas to be awarded for the best specimens of American ingenuity and skill, in every branch of mechanics; rare and valuable domestic productions, natural and artificial; labor saving machines, implements of husbandry, and models of machinery, in all their variety—and for superior workmanship in all useful and ornamental branches of the arts, including the beautiful and delicate handi- of females in every department of industry.

"Your Committee are unanimously of the opinion, that an Annual Fair may be established in the metropolis of New England, which shall excite as much successful and honorable competition as exists in New York, Philadelphia, and other cities—be an honor to our Association—a pride to our city—worthy the patronage of a liberal and discriminating public—and a permanent benefit to the whole body of the mechanics of Boston. The members of our Association alone have the power to make a brilliant and glorious display, by the products of their own workshops; but in addition to their own efforts, hundreds, nay thousands, of the ingenious minds and industrious hands of the daughters and sons of New England, will contribute liberally to increase the interest and value of the exhibition.

All which is respectfully submitted.

STEPHEN FAIRBANKS,
JOHN RAYNER,
JOS. T. BUCKINGHAM,
JAMES CLARK,
JAMES L. HOMER,
HENRY W. DUTTON. } COMMITTEE."

This Report was printed and distributed; and, on the 19th of January, it was unanimously accepted; and the sum of five thousand dollars was appropriated to pay the necessary expenses. The Government—consisting of thirteen members,—with twelve members to be added by the Government, were constituted a Board of Managers —with power to increase their numbers—to carry into effect the intent of the Association.

January 26th, 1837, the Board held their first meeting and adopted a plan of organization, the result of which may be seen in the list hereto annexed, comprising the names of the various Committees. A circular was prepared and distributed, inviting contributions, and stating the requisite Rules and Regulations, as follows:—

"(CIRCULAR.)

Boston, February 24, 1837.

"The First Annual Fair and Exhibition for Premiums of the Massachusetts Charitable Mechanic Association, will be held in this city in September next, commencing on Monday, the 18th; and we take the liberty to call your attention to the rules and regulations which have been adopted by the Board of Managers. The Association has, by an unanimous vote, appropriated the sum of five thousand dollars, to enable the Managers to conduct the Fair upon a scale of liberality worthy the character of our city; and they promise that no exertions shall be wanting on their part, to render satisfaction to all who may feel disposed to offer articles for exhibition.

"Medals or Diplomas will be awarded to the owners of all articles that may be deemed worthy of such distinction; and the Managers intend that the strictest impartiality and fairness shall be observed in the distribution of Premiums.

"The Managers cannot but hope that the experiment about to be made, of holding an Annual Fair in Boston, will be crowned with success, and give very general satisfaction. They invite your attention to the subject, and trust that you will not only contribute towards the exhibition yourself, but induce such of your friends to enter the field of competition as are especially interested in the success of Manufactures and the Mechanic Arts.

"Fairs similar to that contemplated by the Massachusetts Charitable Mechanic Association, have been eminently successful in New York and Philadelphia, and their advantages have been extensively felt by the Mechanics, Artisans, and Manufacturers of our whole country. It is believed that a Fair held in the capital of Massachusetts, in the very 'heart of New England,' and in the midst of innumerable manufacturing establishments, will be equally successful, popular, and advantageous. Let the experiment have a fair trial, and we have no fears for the result. To adopt the language used on another occasion—'we have wealth enough; power enough, physical and intellectual; ingenuity enough to plan, arrange, open, and present to the public, an Exhibitition that will, we trust, equal any former display of the kind in this country.'

"We again respectfully call your attention to the rules and regulations, the names of the different committees, &c. The Managers, in furtherance of the object they have in view, invite contributions of articles from every department of industry—of choice specimens of American ingenuity and skill—rare and valuable domestic productions, natural or artificial—the delicate and beautiful handiwork of females—useful labor saving machines, implements of husbandry, and new models for machinery, in all their varieties.

"*Rules and Regulations to be observed at the First Annual Fair and Exhibition of the Massachusetts Charitable Mechanic Association, to be held in Boston, commencing September* 18, 1837.

1.—Articles intended for Exhibition, must be delivered on or before Wednesday, September 13th.

2.—Owners or Agents, offering articles for Premium or Exhibition, will receive Tickets of Admission, gratis, but not transferable.

3.—All persons presenting articles to the Fair, must attend to have them registered in their turns, by the Receiving Clerk, who will give a Check for the same, which Check must be presented when the articles are returned.

4.—Judges will be appointed to view all articles presented, and the Board of Managers will award Premiums on such articles as the Judges shall declare most worthy, which will be delivered as soon as they can be prepared.

5.—Articles may be offered by Apprentices, (by permission of their Masters, who, if required, must give their names, ages, and the time they have served as Apprentices,) which will be registered, but will be judged as the productions of Apprentices.

6.—The morning of each day, until 9 o'clock, will be appropriated to the Judges, and no other persons will be admitted during the time thus appropriated, except at the special request of the Judges.

7.—In case of any misunderstanding, application may be made to the Managers of the day, who will at all times be in attendance.

8.—Articles intended for Sale, will be labelled accordingly, but cannot be removed until the close of the Fair, except by written permission of the Committee of Arrangements.

9.—Arrangements will be made to exhibit, *in operation*, any working models that may be offered, which will render the Exhibition useful and interesting, and the Managers respectfully invite contributions in this branch. A careful and competent Superintendent will be appointed to take charge of all models sent for this purpose.

10.—Proof of origin must be furnished, if required, for every specimen offered for Premium.

11.—Mechanics, Artisans, and Manufacturers, who may wish to present Machines, Models, or Goods, for Premium, are requested to address JAMES L. HOMER, Corresponding Secretary, or either of the Board of Managers, *(post paid)* which will meet with immediate attention, and every facility within the means of the Managers will be given to exhibit their several productions to the best advantage.

12.—All articles deposited at the Fair will be at the risk of the owners, who are invited to be present during the hours of Exhibition. In the intervals of the Exhibition, the Board of Managers will cause the most efficient measures to be taken for the protection of the property.

13.—Each member of the Association will be furnished by the Committee of Arrangements with a Free Ticket, to admit himself, during the continuance of the Fair, but not transferable."

EXECUTIVE COMMITTEE,

[To nominate judges—Issue Circulars, Notices, and Advertisements—Give instructions to the several Committees, &c. &c.]

STEPHEN FAIRBANKS, *Chairman.*
JOSEPH T. BUCKINGHAM,
JAMES BARRY,
CHARLES A. WELLS,
WILLIAM ADAMS,
JAMES CLARK,
JAMES L. HOMER,
ENOCH HOBART,
THEOPHILUS R. MARVIN.

COMMITTEE OF ARRANGEMENTS,

[To select and procure a Building to hold the Fair—attend to the fixtures—arrange the Fair—cause all articles presented to be registered—see that all rules are strictly enforced—appoint Receivers of articles, Police, Watch, Door-keepers, &c.—have the disposal of tickets, &c.]

GEORGE DARRACOTT, *Chairman.*
JOHN RAYNER,
JOHN G. ROGERS,
HENRY W. DUTTON,
HENRY BAILEY,
THOMAS J. SHELTON,
JONAS CHICKERING,
GARDNER GREENLEAF,
WALTER FROST,
THOMAS BOYD,
GEORGE G. SMITH,
JOHN GREEN, JR.

COMMITTEE ON PREMIUMS,

[To receive the Reports from the Judges—Report to Board of Managers a list for which Premiums or Diplomas shall be awarded—Deliver premiums, &c. as awarded.]

STEPHEN FAIRBANKS, *Chairman.*
JOHN RAYNER,
JAMES CLARK,
JAMES L. HOMER,
J. T. BUCKINGHAM,
GEORGE G. SMITH,
JOSEPH LEWIS,
THEODORE WASHBURN.

COMMITTEE ON FINANCE,

[To receive all moneys—audit and pay all bills.]

URIEL CROCKER, *Treasurer.*
JOSEPH LEWIS, *Chairman.*
JAMES CLARK,
EPHRAIM HARRINGTON.

COMMITTEE ON MEDAL AND DIPLOMA,

[To procure a device for Medals, with inscription—and a design for a Diploma.]

WM. S. PENDLETON, *Chairman.*
CHARLES A. WELLS,
GEORGE G. SMITH,
THOMAS BOYD.

THOMAS BOYD, *General Superintendent.*

In consequence of an advertisement, seven designs of diplomas were offered to the board, without the names, or any other knowledge of the artists; and that of Thomas Boyd was selected as the best. It will be engraved on steel in the most finished style, by George G. Smith, and will shortly be ready for delivery. The design selected as the best for a medal was by Mr. C. Gobrecht, of the United States mint, at Philadelphia; and the die will be executed by him in season for the delivery of the medals in December next.

The managers were determined to proceed with vigor; and in August augmented the Board by the addition of eleven members. Weekly meetings were held, from the first, and committees were appointed to visit various districts of New England, to explain the objects of the Association, and solicit contributions from all branches of manufacturing and mechanic art, together with such productions in the fine arts, and in works of ingenuity, as would yield elegance and interest to the exhibition. The result is known. The managers congratulate the

Association—and may they not with much propriety congratulate themselves?—upon a degree of success exceeding the most sanguine expectations of the projectors—tending directly to the benefit of thousands of individuals; and producing permanent advantage to the whole community.

On the 18th of September, the Exhibition and Fair commenced, and the doors of Faneuil Hall were thrown open. Faneuil Hall!—which has echoed the shouts of multitudes struggling for liberty, whose reverberations, we trust, will reverse the law of nature, and continue increasing forever!—Faneuil Hall presented a new scene. The multitude, indeed, was there, but in peaceful and triumphant admiration of those productions of industry and genius for which the past has been a mighty preparation; and in silent contemplation of the munificent gifts of the Creator, among all which, the best is, the skill bestowed upon man, to render all things subservient to his comfort and happiness.

The expansive floor was covered with tables all laden with the most delicate fabrics, wrought from the deep-dug mine, or the cultivated field. The ample galleries were filled with cabinet wares, cut from the forest trees of every clime; and were hung with the most elegant productions of the loom and of the artist. The walls were covered with beautiful pictures in gorgeous frames—and the entire west end was adorned with woman's tasteful work, equalled only by her own loveliness. The city and the country had poured forth their people to walk through the long aisles; and amid all this elegant array, to be surprised at every step at each new wonder of art; and puzzled and bewildered in contemplation of the whole—but manifesting unqualified pleasure and honest exultation.

After leaving this exhibition of the results and productions of art the visiters crossed the bridge which had been thrown over the square between Faneuil and Quincy Halls, and viewed the fine array of machinery and tools—the helps and means of the mechanic—displayed upon either side in Quincy Hall, and extending 225 feet. Here were sources of protracted enjoyment to all who could fathom the mysterious applications of wheels and screws and levers. The steam engine was busily at work in forcing other machinery to accomplish, in a few moments, the most tedious and difficult hand labor:—while other machines, worked by hand, showed the facility with which modern ingenuity could supplant the more simple but time-exhausting processes of previous ages. Some of these were too complicated to admit of ready comprehension—others had demanded the utmost stretch of invention

to produce simplicity. All were interesting, as evidence of talent exerted for the benefit of mankind. If accuracy and perfection of workmanship were sought, they were to be found, not only in the machinery, but also in the tools displayed in every part of the hall—all bearing testimony to the most satisfactory progress in mechanical construction and manipulation.

The Board has the satisfaction to announce, not merely that the scientific, intelligent, and refined of our own vicinity, attended the Exhibition, but that the Association was especially honored, by similar Associations in Philadelphia, New York, Providence, New Bedford, Salem, Lowell, Portsmouth, Portland, and Bangor, each of which appointed and sent highly respectable Delegations to observe our progress and bear testimony to the result of our efforts. We have felt much pleasure in receiving the several Delegates, and the Government has already shown its desire to reciprocate such favors, by appointing a Delegation to visit the Fair of the American Institute at New York.

While the Board of Managers thus bear witness to the valuable contributions of our artisans, they are aware of many errors and deficiencies in the arrangement and conducting of the Exhibition and Fair, which were, in some measure, attributable to inexperience, but mostly to the embarrassment attending the peculiar condition of the community. They do not know, however, of any cause for serious regret. Perhaps a better arrangement might have been made, had time allowed, in some parts of the halls; and many articles might have been more advantageously displayed—but perfection is hard to attain, and experience is not lost.

It is also proper to remark, that while many branches of industry have been so fully and favorably represented in their works, others have fallen short of every just expectation. The manufacture of shoes, in which our community is prolific, beyond any other in the country, was exhibited in but few specimens; and we cannot account for the fact, that no more of the intelligent and skilful boot and shoe makers in this vicinity should have manifested their proficiency in this honorable competition. We trust the result of this Exhibition will excite their enterprise and ambition. The samples of cotton manufactures were also limited in quantity and variety. From so many cotton mills and printing establishments, there might have been expected specimens of every quality, style and pattern. Whatever may have been the causes of this deficiency, it is to be hoped they will pass away with this disastrous season.

In awarding the premiums, the Board do not expect wholly to escape censure, nor to avoid giving more or less dissatisfaction. Many contributors will think more highly of their works than they ought, in comparison with the productions of more skilful mechanics. Some will have sent most valuable and well wrought contributions, in the confident belief that they cannot be excelled among us; and yet, some one, in a very slight respect, may have proved a better workman. Others, too, may have really furnished the best articles in their branch, but the superiority may not have been obvious to the judges; or, they may, in fact, have erred in their decision. Such must always be, in a greater or less degree, the fate of all similar attempts; but the Board cannot believe, that if complaints do arise, they will be numerous, or generally just. Fortunately, in such a community as ours, it is easy to select competent judges of each branch of manufactures, as independent, disinterested and impartial, as falls to the lot of human imperfection. Such judges have been readily obtained upon the present occasion; and having submitted their several reports, as appears hereafter, the Committee on Premiums has been governed thereby.

The amount received during the Exhibition, for admissions, was twelve thousand five hundred and seven dollars and seventy-seven cents; and, including the tickets to members of the Association and their families, and the admission of contributors, more than seventy thousand persons must have visited the Fair. The throng of spectators continued nearly equal from the first moment to the last. In due season the Committee on Finance will present, in detail, an account of the receipts and expenditures.

The experiment has been, as we trust, entirely satisfactory; but the Managers believe, notwithstanding, that a full exhibition of the inventive powers and mechanical skill of New England has not yet been made in all its branches; and they therefore recommend that early preparation be made for an Exhibition and Fair the next season, which they are confident may be even more interesting and successful than the one they have recently had the honor to superintend.

For the Board of Managers,

STEPHEN FAIRBANKS, Chairman.

REPORTS OF THE JUDGES.

The Board of Managers here present the Reports of the Judges upon the various articles in the Fair, classified under proper heads, with the Awards of the Committee on Premiums, and the names of the Judges, upon whose reports the awards were founded.

PENMANSHIP.

JOHN PIERPONT, JOHN HARTSHORN,
WM. HAYDEN, JR. *Judges.*

The Committee, appointed by the Managers of the Mechanics' Fair, as Judges of Penmanship,

Report, That some doubt has been entertained whether there has any thing been exhibited at this Fair, which, in strictness of construction, ought to be considered as falling within the province of Judges of Penmanship; or whether the several specimens of drawing,—of letters, flourishes, and the figures of men and inferior animals, which are stated and verily believed to have been executed with a pen, and are framed and glazed, and hung up for exhibition in the neighborhood of other pictures, done in oil and water colors, do not more properly fall under the cognizance of the Committee on Paintings and the Fine Arts.

Inasmuch, however, as several,—we believe not all,—of these have the word "Penmanship" upon the face of them, which seems to indicate the opinion of the artists themselves, as to the department to which they belong, although this Committee are by no means clear that that opinion is the true one; they will proceed to speak of them, wishing it, however, to be constantly understood, that the opinion which they express is *conditional;* that is, that these works of art, *if* penmanship, are one thing,—if drawings, etchings, or paintings done in ink, another.

The Committee recognize in most,—may they not say in all,—of these works of art, several features which they possess in common. They indicate great care, and a degree of patience, and a steadiness of hand, which are worthy of all praise. The hair strokes are admirably fine, and the heavier ones as admirably smooth. And having spoken thus of the qualities which the several pieces have in common, the Committee will now proceed to speak of some which are peculiar to each.

No. 345. The specimens produced by B. WHITNEY, evince a lively conception in the mind of the author of the beautiful and graceful in writing,—of the flowing stroke, the easy curve, and the well balanced flourish. They

certainly are beautiful proofs of skill and taste in drawing and painting letters, and the outlines of figures, with a pen and ink. Had the lines in these specimens been produced, each by a single stroke of the pen, as, in the opinion of this Committee, they ought to be, and as, by a master in the art, strokes like these, if not equal to them, are produced, your Committee would neither have doubted whether they fall legitimately within their province, nor hesitated to award them the testimony of their most unqualified commendation.

The Committee believe that no man among us has equalled Mr. B. Whitney, in the beauty with which he executes works of art like those here exhibited. It is known, indeed, to a part of the Committee, that this gentleman, who may now be regarded as the father of this department of art among us, *can* make beautiful letters at a single stroke of the pen. But so, are not executed many of the letters in the specimens before the Committee: and it is of these only that the judgment of the Committee is asked,—and is *thus* given. Specimens like these are in themselves beautiful, and, hung up at the entrance of a writing school, are striking, and attractive to the passer-by. But if nothing *but such* "penmanship" is taught up stairs, is that a school to which we would go ourselves, or send our sons to be qualified for the place of a book-keeper in a counting-room, or a secretary in an insurance office, or a clerk in a bank? This Committee think it is not.

The specimens bearing the name of S. Whitney, (same No.) are not equal, in the opinion of this Committee, to those of Mr. B. Whitney. They lack the ease, lightness and grace of the latter, and have far less the appearance of what this Committee understand by "penmanship."

No. 449. Numerous specimens by "Mr. Bristow." The Committee are unanimously of opinion, that, had it been practicable, these specimens should have been referred to a Joint Committee, made up of the Committee on *Penmanship*, and that on the *fine arts*; for many, if not most of them, combine the efforts of the artist in each of these departments. But as they have all been referred to this Committee, their judgment will be pronounced upon them with reference to their "composite order." We should say, then, that the figures of animals, whether copied from nature, fancy, or other works of art, *i. e.* etchings, or engravings, or paintings,—the vignettes, landscapes and drapery, together with the "half-length" likeness of the artist himself, most or all of which, we are informed in a marginal note, were "executed with a pen," are certainly very creditable to the skill, still more so to the patience, of the artist. They would be nothing to be wondered at, had they been so "done" with a pencil,—lead or hair,—as to produce precisely the same effect upon the spectator at the same point of view. The head of "Mr. Bristow" himself, which, as we have often seen it at the door, we had *mis*taken for a lithographic work, we had *taken* for a tolerable, though quite an ordinary specimen of lithography. But now that we see that it was done with a pen, we really think it wonderful that such a work could be done with such an implement. There is a question behind, to be sure,

with which this Committee have nothing to do, viz., whether it were worth while to attempt such a work with such a tool? But if an artist will exhibit drawings, etchings, or paintings, we suppose that a judge has nothing to do but to pass his judgment upon them as such, without inquiring what instrument the artist used in "executing" them. When one hears ordinary —certainly not more than ordinary—music, in a field, he may, indeed, be astonished at the skill of the performer, but must he also profess to be ravished by the music, when he is told that it is "done" on an oaten straw, a pumpkin-leaf trumpet, or a corn-stalk violin? Or, when a marble statue is exhibited, like those which ordinarily grace a gentleman's garden or ornamental grounds, this Committee do not think it necessary for them to start into an ecstacy, on seeing, cut on the pedestal, "executed with only a penknife and a gimlet." By all which similitudes, we mean nothing more than to illustrate one thought, that the goodness of a work of art does not depend upon the badness of the tool that it was done with, and, therefore, that Mr. Bristow's or Mr. S. Whitney's paintings, which, as paintings, we think nothing extraordinary, are not made one whit the more worthy of our or the public's admiration, by the circumstance of their having been "executed with a pen."

In respect to the lettering, or *scrip* of Mr. Bristow, we have no doubt that, in our judgment, we shall depart widely from that of the artist himself; and we have some misgivings, lest we should differ from that of the public. But, as the Managers have not asked us for the public's opinion, or for Mr. Bristow's, we must give our own; wishing in our hearts, the while, that he were not a foreigner, so that we might say what we think, without exposing ourselves to the charge of inhospitality to strangers, or of bigotry in favor of what is "domestic," or of prejudice against foreign wares. But we all admired the specimens of "Groves's saws, cutlery, &c." exhibited at the Fair, and that not the less, because it was executed in America by a branch of a Sheffield concern,—because we thought that they were beautiful. We do not admire Mr. Bristow's chirography, because we all think that it is not beautiful. With the exception of two specimens, enclosed in one frame,—"Gentlemen's running hand, and Ladies' fashionable hand,"—which are both pretty, though the capitals in both are painted, and the small letters of one, the ladies, are any thing but "anti-angular,"—we think the style is heavy, uneasy, and essentially graceless. It is exceedingly labored, most patiently painted, touched and retouched with true Flemish diligence; bold, indeed, as cast-iron letters need be, and as smooth as *they* could be filed, we do not say, as stiff as *they* could stand. These specimens have the advantage of beautiful paper and excellent ink, and the pen was evidently one of various capabilities; but we cannot bring ourselves to approve, still less to admire, the general effect of Mr. Bristow's management of it. To this general remark, however, we have great pleasure in making one exception: we refer to the "black letter" lines. These are beautiful. We know not where we have seen this form of letter executed in better style. There

is, here, no grace, and there should be none. The strokes should be massy, black and smooth, and they are so. We know not, indeed, that they could be improved. Would, that fidelity to our office, and our wish to do all that we may to prevent corruption of the public taste in the matter of chirography, would permit us to say the same of all of Mr. Bristow's specimens!

Of No. 1054, by N. D. Gould, this Committee will only remark, that it is evidently a very labored performance, showing a good deal of care and pains-taking, and that it is very well worthy of being kept by the artist, or by his children, as a proof of a resolute purpose to go through with a difficult enterprise, and of great diligence in executing it. But it wants that freedom and grace which are indispensable to elegant penmanship,—a defect which, in the opinion of this Committee, is common to *all* the specimens, without exception, which have been brought under their notice. We would gladly have seen, at this exhibition, less of the merely ornamental, and more of the useful, in the specimens presented. We should have preferred such samples of bills, letters and invoices, as some dozen or two clerks of our acquaintance could have furnished from their port-folios, written in the discharge of the ordinary duties of their vocation, and, in addition to their intrinsic beauty, bearing upon their face the still higher charm of their utility. At some future Fair, we hope either that such may be presented, or that the judges' robes may fall upon other shoulders than ours.

If, in conclusion, we are asked, to which of the specimens before us we think the preference should be given, we say, without hesitation, that we think that, as specimens of graceful and beautiful writing,—leaving out of the account the time requisite to produce them,—those of Mr. Barnabas Whitney, No. 345, are the best. *A Diploma.*

JEWELRY, SILVER AND PLATED WARE, WOOD AND BRASS CLOCKS, AND MILITARY GOODS.

Charles Bond, Julius A. Palmer,
John Bigelow, William Reed,
N. C. Poor, *Judges.*

535. Jones, Lows and Ball, *Boston.* The Webster Vase, manufactured, under their direction, by Obadiah Rich. This article, from its size, design and execution, is supposed to be superior to any specimen of silver ware before made in this city. Also, a silver Hunting Pitcher is worthy of notice, as a fine specimen of chasing, executed in a superior manner—and a piece of rich, beautiful Plate—from the manufactory of Jones, Lows and Ball. Also, a rich silver Tea Set, and two Pitchers, from the same, are of handsome patterns and well made. *A Silver Medal.*

724. Newell Harding, *Boston.* A case of Silver Table Ware, comprising spoons, forks, ladles, sugar-tongs, fish and butter knives, making in all, ninety-four pieces,—all made in a finished, superior, massy manner. *A Silver Medal.*

328. Farrington & Hunnewell, *Boston.* A case of Spoons and Butter Knives, containing in all, twenty-four pieces, of fine silver, and well made.

802. Ebed Whiton, *Boston.* One dozen fine Silver Forks, well made.

All these articles of Table Ware are polished, which is a better method than the common practice of burnishing.

775. Clark & Curry, *Boston.* A case of Enamelled Jewelry,—an art but recently practised, and little understood in this city. For the introduction of this beautiful style, as well as for the variety and finish of the articles, the contributors deserve favorable notice. *A Silver Medal.*

564. N. P. Ames, *Springfield, Mass.* Swords, of various patterns and qualities, wholly of American manufacture,—rich, elegant, and very superior; supposed equal to any imported, of a similar description. Also, a large Steel Plate, as a fine specimen of etching, and a high finished and beautiful Pruning Hatchet. *A Gold Medal.*

249. John Sawin, *Boston.* Two Gallery Clocks, with improved regulators to avoid the necessity of removing the dial,—the best clocks exhibited. *A Diploma.*

1055. William Pratt, *Boston.* One Striking Clock, and two plain Timepieces.

484. J. Frost, *Reading, Mass.* One Wooden Clock.

455. P. Rice, *Boston.* One Watchmaker's Pin Vice,—well made.

246. Joseph McCarty, *Boston.* One case of Watch Glasses, of assorted kinds, of very superior quality, particularly the Lunette Glasses. *A Diploma.*

1027. Joseph R. Brown, *Providence, R. I.* One Gold Chronometer,—appears to be well made and finished. No reason is to be seen why it should not prove a good timekeeper, but the Committee had no opportunity to test its accuracy. *A Diploma.*

584. L. Babcock, *Ware, Mass.* One Silver Watch.

1050. Avery Neale, *New York.* A dozen of German Silver Tea Spoons, well made, and closely resembling fine silver, though they contain none.

1070. L. Ensor, *Boston.* A card of German Silver Pencil Cases.

1061. J. E. Strong, *Boston.* A Spool Stand, with cushion, bronze and gilt,—a neat and convenient article.

The Judges bear strong testimony to the excellence with which nearly all the articles in this department are manufactured, both as respects their substance and finish.

STOVES, GRATES, COOKING RANGES, MARBLE FIRE-PLACES, AND FURNACES.

JAMES PAGE,
JAMES BLAKE,
JOHN P. THORNDIKE,
ALPHEUS CARY,
JOSEPH TILDEN,
WALTER CORNELL, *Judges.*

122. E. BARROWS, *Boston.* Heat Distributor Cooking Stove, two patterns of different sizes, very neat and small, with an oven door and damper; simple and very good.

138. CHILSON & Co., *Boston.* Cooking Stoves, for wood or coal, of different patterns and sizes, and a Franklin Parlor Coal Stove, arrangement very simple, castings neat,—excellent for wood, and pretty good for coal. *A Diploma.*

178. LEAVITT & BATES, *Boston.* Olmstead's Patent Cylinder Parlor Stove,—upon a well known good principle.

337. HARLOW & ROBERTS, *Boston.* Egyptian Marble Chimney Piece, fair work. *A Diploma.*

394. M. KETCHUM, *Boston.* Stevens's Cooking Stove, for anthracite, with two fires; an improved Rotary Stove, and Wilcox's improvement on Stanley's Patent Parlor Stove, coal burnt in clay cylinders.

458. H. & F. STIMSON, *Boston.* Improved Radiating Stove, by Andrews upon Olmstead's,—the air introduced from abroad,—good. Also, a neat and efficient Cooking Range; the air from abroad is heated, and taken off to chambers or parlor. *A Diploma.*

515. BRYANT & HERMANN, *Boston.* Fire-places and Grates, for parlors or counting rooms. Also, a Cooking Range, with furnace and Rumford oven,—a good arrangement. *A Diploma.*

247. BATES & Co., *Boston.* Minerva Fire-place, for anthracite,—very good. *A Diploma.*

810. T. WOOLSON, *Milford, N. H.* Small Parlor Stove,—quite pretty.

1102. BLANEY, *Boston.* Portable Hot Air Furnace, for lower rooms and cellars,—very good. *A Diploma.*

29. RICE & REVERE, *Boston.* Potter's Cooking Stove for anthracite, the coal burnt in fire bricks,—good. *A Diploma.*

21. SYLVESTER DAVIS, *Lexington, Mass.* Tin and sheet iron Baker, &c.

34. W. W. PARROTT, *Boston.* Cooking Range, for anthracite.

151. JOHN P. MELVIN, *Boston.* Improved Cooking Range.

204. MOSES FULLER, *Boston.* Two Stoves and a Fire-place.

206. W. ARNOLD & Co., *Northampton, Mass.* Franklin Cooking Stove, for wood.

220. Badger & Butler, *Boston.* Granger's Cooking Stove, for wood; a Union Stove, Gothic; and Elevated Oven Rotary Stove.

257. J. C. Nichols, *Reading, Mass.* Marble Chimney Piece.

259. Whitson & Pratt, *Roxbury, Mass.* A Reflecting Grate.

268. W. B. Kimball, *Peterborough, N. H.* Open Fire-place Cooking Stove, for wood or coal,—the oven of sheet iron.

277. Prouty & Mears, *Boston.* One Cooking Stove for coal, another for wood.

284. W. B. Lawrence, *Boston.* Cooking Stove.

398. E. W. Perry, *Boston.* Parlor Grates, various specimens.

402. T. Woolson, *Milford, N. H.* Cooking Stove for wood, with a model, by D. Fenno, of Boston.

447. Sullivan & Adams, *Boston.* Cooking Stove, grate raised by a crank.

478. J. Fleming, *Boston.* Two Marble Chimney Pieces.

516. M. Morse & Son, *Litchfield, Conn.* Cooking Stove, for wood.

521. W. B. Walsh, *Boston.* Temple Chimney Pieces, ornamented.

565. J. M. Dearborn, *Boston.* Anthracite Grate and Fire-place.

637. L. Drake, *Chelmsford, Mass.* Cooking Stove, for wood.

720. Hersey & Churchill, *Boston.* Two Lane's Fire-places, for anthracite.

787. J. Hays, *Boston.* Irish Marble Chimney Piece.

129. T. G. Fessenden, *Boston.* Portable Apparatus, for warming apartments by steam and hot water.

28. James Robinson, *Boston.* Patterns of Ionic Fire-places.

1004. Alfred Crossman, *Huntington, L. I.* A Brick, one side a little concave; the principle is good, and might be advantageously extended to both sides and one end; by which the edge joint might be closer, with a sufficient quantity of mortar.

98. E. Pratt, *Boston.* Soap stone Bureau and Box.

594. Rice & Revere, *Boston.* Sheet iron Fire-place.

632. J. Hutchinson, *Lynn, Mass.* Cooking Stove.

Upon these several contributions it may be remarked, that those Parlor and Cooking Stoves have been preferred, in which some preparation of clay or soap stone is used, instead of allowing the heat to come in contact with iron, for various well known reasons; but many of the other articles are of great beauty, and ingeniously contrived. They are creditable to the manufacturers in a high degree, both for the inventive power and mechanical skill of which they afford satisfactory proof. The consumption of anthracite

coal is a subject of interest, and though great improvements have been made, since its introduction to use, in the construction of grates and stoves, still it is thought that much remains to be done, which may advantageously engage the attention of scientific and mechanical minds.

CLOTHS, CASSIMERES AND FLANNELS, METAL AND OTHER BUTTONS.

ELIJAH MEARS, ABRAHAM CALL,
EZRA DYER, BENJAMIN JACOBS,
ENOCH HOBART, *Judges.*

211. ROBERT APPLETON & Co., *Boston.* Extra Superfine Black Broadcloths, manufactured at Oxford, Mass., of stock superior to any exhibited—they are of firm texture, fast and good color, and of beautiful lustre. Also, two pieces of dark Mixed Cloths, of a superior fabric, which are a perfect specimen of that style and quality. *A Gold Medal.*

873. W. & S. LAWRENCE & STONE, *Boston.* Samples from the Middlesex Company, in Lowell, of Black, Blue, and a variety of Colored and Mixed Cassimeres, embracing every shade of mixture. They are remarkable for firmness of texture, great width and superior finish, and are superior to any foreign goods made from the same quality of wool. The colored Cloths are beautiful; the fabric is firm, and the finish excellent; and they are every way a superior article of medium quality cloths. There are also in the lot several pieces of Black Twilled Cloths, of uncommonly firm texture and superior finish—a new article, deserving high commendation. These goods were selected promiscuously from large quantities in their warehouse, and deserve higher credit than if manufactured expressly for exhibition.

A Gold Medal.

845. R. W. DICKENSON, *East Greenwich, R. I.* Black and Drab Cloths of a good quality, particularly the finish and color of the Drabs, are from the Steam Mill Company, R. I.

739. BLASHFIELD & DE WITT, *Boston.* Three pieces of Black Cloths, of good stock and fair finish—one of superior wool and fine, even thread. These are from the Beecher Manufacturing Company, Waterbury, Conn.

298. H. BARTLETT, *Boston.* A bale of Black and Colored Cloths in very good style, from the Hampshire Manufacturing Company.

740. BLASHFIELD & DE WITT, *Boston.* One case very superior Black and Mixed Satinets, from De Forest & Co.'s manufactory at Naugatuck—and may be considered No 1. *A Silver Medal.*

177. A. PETTIBONE, *Oxford, Mass.* Black Satinets—a good article, very little inferior to 740.

597. J. MARLAND, *Andover, Mass.* White Flannels, from the Ballard

Vale Company, and probably superior to any flannels manufactured in the United States, and goods of equal excellence are seldom imported. They exhibit a very high degree of excellence in every part of the manufacturing process. Also Scarlet and Yellow Flannels, that are equally fine.

A Gold Medal.

613. George Hodges, *North Andover, Mass.* A bale of Swan Skin Flannels—a very good article.

1035. I. Derrick, *Buffalo, N. Y.* A pair of ten quarter Milled and Twilled Blankets, manufactured by the Buffalo Woollen Manufactory, of the finest wool—an excellent specimen of workmanship, superior to any article of the kind imported into this market. They were made from raw wool since the 8th instant. *A Silver Medal.*

1043. Stephen Hoyt, *Salem, Mass.* A case of White Woollen Knitting Yarn, of a very superior quality. *A Diploma.*

59. H. S. Brooks, *Scituate, Mass.* One pair of household manufactured Blankets—a very good article.

692. R. &. W. Robinson, *Attleborough, Mass.* An assortment of samples of coat and vest Gilt Buttons, in various styles and patterns. They are considered the best produced in the United States, and equal to any imported, in the same style and cost. *A Diploma.*

799. R. Hall, *Boston.* A card of Pearl Buttons—worthy of commendation. *A Diploma.*

208. Joseph Hayden, *Williamsburg, Mass.* A card of Japanned Buttons, of excellent quality, well finished, and fully equal to similar imported articles.

941. L. D. Clift, *Carmel, N. Y.* Samples of Wool from a flock of 500 sheep, of a long fibre, very silky and soft, and altogether a very superior article.

941. Samuel Lawrence, *Boston.* Saxony Wool. The stock was imported from Germany in 1825 by the Messrs. Searles, and the quality of wool now exhibited is fully equal in fineness to the importations at that time.

A Diploma.

BRASS, COPPER, TIN AND BRITTANIA WARES AND WIRE-WORK.

Isaac Babbitt, Nathaniel Waterman, Jr.,
Benj'n Beal, *Judges.*

504. William C. Hunneman, *Boston.* Four pairs of brass Andirons—good common work.

96. William F. Tuckerman, *Boston.* One large and two miniature copper Tea Kettles—fine work and worthy of notice.

150. Levi Hawkes, Jr., *Boston.* One Bathing Tub—very good work.

771. Hammond Strater, *Boston.* A brass Wash Bowl, and a brass and copper Pump—good common work.

27. Holmes & Hemmenway, *Boston.* A patent Torch—a good contrivance, with good workmanship.

549. J. G. Loring & Co., *Boston.* Two Pumps and one Cesspool, by an apprentice—very good work. Also, one Boiler, and two Moulds for Gutters—good substantial work.

630. Gould & Hazlett, *Boston.* Two Pumps—very good; with one Mould for Gutter—well finished.

893. Asa White, *Boston.* Four Pumps, and two Roller Moulds—very good work, but light materials; and one well constructed Force Pump.

35. A. Peterson, *Worcester, Mass.* One Tea Pot, Urn and Egg Boiler—well wrought.

354. R. Gleason, *Dorchester, Mass.* A variety of Block Tin Wares, wrought and finished in the very best manner; and without competition.
A Silver Medal.

171. S. W. Cotton, [18 years of age.] Small copper Tea Kettle—well finished, but not formed in good proportions.

383. James Sharp, *Boston.* Various patterns of Wire Window Shades—very fine work, and worthy of notice. *A Diploma.*

72. William B. Oliver, *Boston.* A Slop Pail, Coffee Pot and Shaving Pot—common work.

642. William Blackmore, *Boston.* Fine Specimens of Japanned Wares—worthy of notice. *A Diploma.*

65. William Howe, *Cambridgeport, Mass.* A variety of Lamps for ships' uses, heating water, Students' Lamps, &c.—convenient articles, and well finished. *A Diploma.*

368. W. Gray, [17 years old.] Six brass Cocks—very well made.
A Diploma.

751. Henry N. Hooper, [for Wm. Redfurn, his apprentice.] Hose Screws—highly finished. *A Diploma.*

795. A. Moore, *Boston.* Nine Bird Cages—very well made.

154. I. S. Tompkins, *Boston.* Candle Moulds—very good.

651. Daniel Williams, *Boston.* Wire-work of various patterns—well wrought, but with too heavy mouldings. *A Diploma.*

573. William J. Seaver, *Boston.* Two large, and two miniature brass Tea Kettles—somewhat better than common work.

CARPETINGS, RUGS, BOCKING, CENTRE AND OTHER TABLE COVERINGS.

SAMUEL DOGGETT, ARTHUR SCHOLFIELD,
CHARLES A. PRINCE, *Judges.*

177. LOWELL MANUFACTURING COMPANY, *Lowell, Mass.* Carpeting and Rugs. The Superfine Ingrain Carpeting is all of good, and some of superior fabric, and of handsome, fashionable colors and patterns. It is considered by the Committee the best exhibited. One piece of Brussels Stair Carpeting is of very fair quality and colors—the only piece of the kind in the Exhibition.

Worsted Tufted Rugs are very handsome, and well made, of good texture and brilliant colors, and are considered the best rugs offered.

Yarn Tufted Rugs are well made and substantial, of good colors and style; no others of the kind are exhibited. *A Gold Medal.*

338. Wilton Rugs, by the same company, are a beautiful article—very handsome patterns and brilliant colors—well made and desirable. No others presented.

585. NEW ENGLAND CARPET COMPANY, by Livermore & Kendall, *Boston.* Superfine Ingrain Carpeting—handsome, well manufactured goods; some of them, in point of fabric, equal to any exhibited.

Worsted Tufted Rugs, from the same Company, are of beautiful patterns, and excellent fabric. *A Silver Medal.*

387. NEW ENGLAND PAINTED FLOOR CLOTH COMPANY, *Roxbury, Mass.* Painted Floor Cloths, which, for elegance of pattern, fulness of color, and excellent fabric, may be considered the best exhibited. A Persian pattern on a durable white ground is worthy of special notice for its beauty and superior quality. *A Gold Medal.*

31. GEORGE D. WYMAN, *Boston.* Painted Floor Cloth—several specimens of good quality, and well manufactured; the patterns and colors good, fashionable and handsome. *A Silver Medal.*

871. WILEY & COOPER, *Brooklyn, N. Y.* Samples of Painted Floor Cloths, in very handsome style of patterns and colors, and of excellent quality and manufacture.

PICTURE FRAMES AND GILDING.

CHARLES HUBBARD, W. G. SOMERBY,
WILLIAM BITTLE, *Judges.*

395. SAMUEL CURTIS, *Boston.* Gilt Frames—showy composition frames, and well gilt.

400. Warren Lincoln, *Boston.* Three Portrait Frames—rich patterns of deep gold, finished in a workmanlike manner. One is richly ornamented, of the first quality of work, and is highly creditable to the manufacturer. *A Diploma.*

525. Charles B. Lloyd, *Boston.* A large composition Gilt Frame, of a handsome pattern.

871. John Doggett and Co., *Boston.* A number of Frames,—large looking-glass, portrait, picture and miniature frames. These are of decidedly the best work in the exhibition, being in handsome style, and of the best gilding. The large Mirror Frames, and one enclosing a picture by Fisher, are worthy of high commendation. *A Silver Medal.*

1089. F. S. McGirr, *Boston.* A specimen of Gold Leaf, of deep shade and fair quality.

HANGING, ASTRAL, AND MANTEL LAMPS.

John B. Jones, Henry Robinson,
Thomas A. Davis, *Judges.*

421. Henry N. Hooper & Co., *Boston.* A set of Lamps, consisting of Mantel and Astral, finished in *or molu;* the mantel with glass fountains,—all in good taste. Rapid improvement has been made in the finish, and it is believed this manufacture will soon equal the English. A German Silver Astral Lamp, in good taste and well finished. A Chemical Lamp, invented by Dr. C. T. Jackson, adapted for oil or gas, for chemical purposes,—a valuable article. A twelve-light Chandelier; a Hall Lantern, and a variety of Astral, Mantel and Study Lamps, all of bronze, well got up, and, in respect to pattern, bronzing and workmanship, equal, and, in some respects, superior to any imported. *A Gold Medal.*

1013. J. Wilder, *Boston.* One Suction Lamp; this article had been removed or taken away, and was not seen by the Committee.

877. N. Perkins, *Boston.* One Lamp.

CONFECTIONARY AND SUGAR.

William Underwood, Martial Duroy,
Thos. J. Vinton, *Judges.*

405. Agricultulal Warehouse, *Boston.* A sample of Beet Root Sugar. The excellence of this sugar induces the Committee to notice it, though it is of foreign manufacture, in order that they may express their regret that none of domestic manufacture was presented.

533. A. Bowditch, *Boston.* A very large Plum Cake; also, some excel-

lent specimens of stick and braided Candy—the two last are of good quality, decidedly the best in the hall. *A Diploma.*

554. Brewer, Stevens & Cushing, *Boston.* Mixed and medicated Lozenges, of good quality and well made. The accurate proportion of ingredients in each of the medicated lozenges, may be depended upon; and they may be recommended as of great convenience for use. *A Diploma.*

874. East Boston Sugar Refinery. Samples of refined white and purified Muscovado Sugar; the loaves marked "extra," are of a beautiful white, fine grain, and equal to any the Committee have seen. The crushed and powdered white, is from loaves broken for more convenience in use. The Muscovado is a clean grained sugar, and the Committee express their gratification at the great improvement made, and the high perfection attained in this manufacture. *A Silver Medal.*

1024. J. Bradshaw, *Boston.* A sample of Lobster Candy, in a very large roll, the best specimen of candy in the Fair,—well made of good materials.

1105. William Lee, *Boston.* Samples of Lobster and Stick Candy, and Peppermints; the lobster candy is very good, the stick candy is excellent, and one sample of peppermint is of decidedly superior materials to any the Committee have seen. They are entitled to credit, though not of superior manufacture, or great variety. Mr. Lee also presented a large Plum Cake. *A Diploma.*

1106. Lawrence Nichols, *Boston.* A large Plum Cake, by far the best that has been presented. It is of the usual kind made by this manufacturer; well made of excellent materials, neatly ornamented, and entitled to notice. *A Diploma.*

924. N. Daniels, *Boston.* One loaf of Brown Bread—quite a mammoth, charmingly made and baked.

GLASS, EARTHEN, AND STONE WARES.

Samuel B. Pierce, John Q. A. Conkey,
John Collamore, *Judges.*

140. Boston and Sandwich Glass Co., Deming Jarvis, Agent, *Boston.* Glass Ware, comprising a very general assortment of rich cut and steel-pressed articles. The Committee think the following deserving of notice: pitchers; salt cellars, tulip shaped; mirror dishes; decanters, quart and pint; claret wines; amber, or London green hock glasses, and hock decanters, of three different shapes, and candlesticks with star pans; and three astral lamp shades. All these articles are richly cut, and of elegant patterns. Two dozen six-flute tumblers, made by machinery, by which mode of manufacturing about one fifth of the expense is saved. One astral lamp, with a

very rich cut pedestal, of superior workmanship and finish. One large, rich cut hall or entry lantern, with an argand burner; eight cut India shades, made for exportation; and steel-pressed salt cellars, and dishes of various forms. These specimens of pressed ware are very perfect, and superior to any thing of the kind of English manufacture.

One copper mounted Signal Lantern, with an argand burner. The application of the argand lamp to the signal lantern, has just been completed by this company, and promises to be an article of great utility in steam and canal boats, or in any exposed situation, where a strong, steady light is required.

It appears from a note sent with these articles, by the manufacturers, that they were not made expressly for exhibition, but taken from the shelves in their warehouse, as specimens of the quality of their daily manufacture.

The Committee have pleasure in saying, that the Glass exhibited by this company is excellent in color, cutting and polishing, and as specimens daily made by them to order and for sale, are equal to those of any other manufactory in the United States. *A Silver Medal.*

814. New England Glass Company, *East Cambridge, Mass.*, Henry Whitney, Agent. Glass Ware, consisting of a great variety of rich cut, plain flint, and steel-pressed articles. The following the Committee think worthy of particular notice.

A set of Lustres, containing one of three lights, and four of one light, very rich and elegant; probably superior to any thing of the kind manufactured in this country. One set of very rich cut five-flute ware, of superior color, workmanship and finish, consisting of (two dozen each) goblets, clarets, wines, jellies and champaigns; with two sugars, two celeries, one centre bowl, two butter tubs, eight decanters, ten dishes, one pitcher and two dozen green hocks, to match.

It is the opinion of the Committee, that the above named set of Glass has not been surpassed by any other manufactory in this country.

Two pair of green hock and claret decanters; one pair of green cologne bottles; one very rich hall or entry lamp, exceedingly well cut; two India cut shades, of good workmanship; two dozen each of four and six flute tumblers, made by machinery, both of which are very perfect in all respects. Samples of straw-stem clarets and wines, of superior quality.

A large and excellent variety of rich cut and roughed astral lamp shades, and lamp glasses, showing both good taste in the design, and skill in the manufacture; collectively, they have never been excelled by any other manufactory in this country.

A variety of steel-pressed dishes and salts, both excellent in quality and style,—are entirely beyond any thing of the kind of English manufacture.

Glass phials, from a quarter of an ounce to two ounce sizes, a superior article by the same company. *A Gold Medal.*

377. *By the same Company.* One glass bird cage, of curious and delicate workmanship.

The Committee feel it their duty to state, that all the glass exhibited by this company is excellent in color and cuttings, and would mention the set of rich lustres, and also the set of five-flute ware, named in the foregoing, as being exceedingly perfect and handsome.

333. Michael McKenna, *Sandwich, Mass.* A Glass Money Box, the product of a good workman, and rather a neat affair.

179. Lyman & Clarke, *Gardiner, Me.* A Stone Churn; the quality of this article is good, and probably the form is such as would be approved by the practical dairy-maid. *A Diploma.*

933. By a Lady. One dozen China Plates, gilt and painted; the gilding and burnishing is very good, and would be a respectable performance for a more experienced gilder. The painting is handsome, but not being fired, will probably deface easily by use.

145. Noami Kendall, *Chelsea, Mass.* Three urn-shaped stone Flower Pots, of fair quality; the form and proportions are exceedingly good for an article of the kind.

1069. Cook, Lane & Co., *Troy N. Y.* Crown Glass, from the Redford works. The quality is excellent, well made and good specimens.

Joseph S. Hastings, *Boston.* Crown Glass, from the New England Crown Glass Company, not made expressly for exhibition,—ten sheets, (of very large size,) exhibited; are of superior color, and very perfect specimens. *A Diploma.*

1075. E. Jones, *Boston.* Glass Ship and Case.

1081. W. I. Seaver, *Boston.* Wash Bowls.

650. E. White, *Weymouth, Mass.* Looking-Glasses.

PHILOSOPHICAL APPARATUS.

Geo. B. Emerson,
Solo. P. Miles,
Prof. Andrews,
Aaron Breed,
Eben. Bailey,
Judges.

568. Claxton & Wightman, *Boston.* Sectional model of a Steam Engine; Pneumatic Apparatus, for schools; Table Air-Pump and apparatus; large Air-Pump and apparatus; Orreries, (manufactured by D. C. and A. Murdock, of West Boylston, Mass.) These articles are thoroughly made and well finished.

The sectional model illustrates the mechanism of the high and low pressure engines.

The pneumatic apparatus, for schools, furnishes the means of performing, in a satisfactory manner, all the common experiments in this branch of natural philosophy, at a small expense.

The table air-pump is simple in construction. It has a single barrel, which is worked upon its piston in a vertical direction, by means of a lever. This arrangement is thought to give the instrument several advantages over that of the common construction. This pump is also easily kept in repair, and, for general use, is considered superior to any that has fallen under the notice of the Committee.

The large air-pump is similar in construction to the table pump, and designed for experiments on a larger scale.

The orreries are well made, and sold at a moderate price.

Claxton & Wightman deserve great credit for the improvements they have introduced in the manufacture of Philosophical Apparatus. Many of their articles have been either invented, or greatly improved by them.

A Silver Medal.

940. Dr. William King, *Boston.* Two Electrical Machines,—highly finished and powerful instruments. One is the most beautiful machine that the Committee have seen; the manner in which it is mounted, and the arrangement of the battery, are ingenious, and render it a very *convenient*, as well as beautiful instrument. To secure a more perfect insulation, Dr. King places his plates without the supports, and employs no metal except for those parts in which its use is absolutely necessary. *A Silver Medal.*

942. N. B. Chamberlain, *Boston.* One double-barrel Table Air-Pump; three single barrel Air-Pumps; one Electrical Machine, and one Orrery.

Mr. Chamberlain's air-pumps are neat and cheap instruments; one is readily converted into a condenser, and, with its accompanying apparatus, furnishes the means of performing a variety of experiments. The electrical machine is an unfinished, but powerful instrument, and sold at a moderate price. The orrery is put in motion by a spring, which, by a peculiar construction in the machinery, is made to act constantly with the same degree of force, and thus to produce uniform motion.

Besides the foregoing instruments, Mr. Chamberlain exhibited two working models of high-pressure Steam Engines. These will probably be noticed by another Committee; but, as very neat and cheap articles of school apparatus, it is thought not improper to allude to them in this report.

A Silver Medal.

598. Davis & Temple, *Boston.* A single barrel Air-Pump; accompanying Apparatus, and Richie's Rotary Magnet.

The air-pump of Mr. Temple resembles the hydraulic pump of M. de la Hire. It has a double action, works easily, is readily converted into a condenser, and, as a specimen of beautiful workmanship, is inferior to no instrument of the kind in the collection. Mr. Davis's apparatus comprises several neat and useful articles. *A Silver Medal.*

666. D. Davis, *Boston.* An Electrical Machine,—a well finished and beautiful machine.

1019 and 1041. Frederick Pool, *Boston.* Double barrel Air-Pump; Thermometers; and Spirit Levels.

This air-pump is of the usual construction, thoroughly made, and, in point of finish, one of the most beautiful instruments of the kind exhibited. The thermometers are also beautiful and accurate. *A Diploma.*

1005. C. F. Durant, *Jersey City, N. J.* One Durant's improved Mountain Barometer; two Durant's improved Marine Barometers, and various Thermometers.

The barometers, (made by Thomas Pool, New York,) are beautiful instruments, and do great credit to the mechanical skill of Mr. Pool. They are understood to have been made expressly for the use of the South Sea Exploring Expedition. The improvements are due to Mr. Charles F. Durant, who has already given the public a description of his barometer, in an article published some time since in Silliman's Journal of Science.

The Committee have had no opportunity to test Mr. Durant's instrument, but, from its peculiar construction, they are disposed to think, that it possesses decided advantages over the common instrument. Mr. Pool's thermometers are good articles. To C. F. Durant, *a Silver Medal.*
To T. Pool, *a Diploma.*

628. Browne & Francis, *New York.* Double barrel Air-Pump; Mechanical Powers, and an Electrical Machine. Useful, but not first rate articles. By means of a very simple contrivance, the air-pump is readily converted into a condenser.

623. Josiah Loring, *Boston.* One set eighteen inch Globes, and one set twelve inch Globes. These are, in all respects, excellent articles; the plates are accurately drawn and neatly engraved; the globes well balanced and strong, and mounted on firm and handsome frames. They do honor to the maker, and deserve every encouragement that can be extended to them. The double meridian is an improvement in the mode of hanging them.
A Silver Medal.

255. J. & H. M. Pool, *Easton, Mass.* Six Spirit Levels. These are neatly made articles.

93. Hayward & Humphries, *Woburn, Mass.* One Life Preserver.

195. H. Cotterell, *Boston.* Two Drawing Boards.

462. D. Davis, *Boston.* Two Drawing Boards.

490. T. Thorp, *West Cambridge, Mass.* Philosophical Cottage.

726. Thaxter & Son, *Hingham, Mass.* Spectacles—good articles.

842. John Pierce, *Boston.* Spectacles.

682. E. Waters, *Boston.* Submarine Telescope.

1096. David Pearson, *Newburyport, Mass.* Compound horse-shoe Magnet—neatly made, and powerful.

1078. John R. Parker, *Boston.* Semaphoric Telegraph. Of the utility of Mr. Parker's telegraph, the public has had long and ample experience.

Wm. Creed, *Boston.* A cast steel Ball, 2 1-2 inches in diameter, and proof ring. This curious and admirable piece of workmanship was offered as a specimen of a *perfect sphere.* It.was proved to be one by means of the air pump. The ball fitted the ring, which was of a smaller diameter, so perfectly, that the junction was air tight in every position. *A Silver Medal.*

947. Gedney King & Son, *Boston.* A mariner's Compass.

CANNONS, FIRE-ARMS, RIFLES, RIFLE PISTOLS, AND SPORTSMEN'S APPARATUS.

George Lane, A. B. Fairbanks,
Wm. Bishop, *Judges.*

409. D. H. Chamberlain, *Boston.* A patent Rifle, on a new construction; it is simple and safe, and a specimen of good workmanship in all its parts. By adopting a rectilinear slide, at right angles with the butt of the barrel, Mr Chamberlain has avoided the danger of igniting the charges in different chambers by discharging that in one, and it is believed to be almost as secure as the common rifle. It is a cheap and convenient article.

A Diploma.

834. S. B. Allen, *Shrewsbury, Mass.* Cochran's patent Rifle; this construction, with a revolving cylinder, has hitherto been considered the best for rapid discharging, and is entitled to great credit. The one exhibited is of small size, but excellent workmanship, and the invention has obtained credit from the governments of this and foreign countries; but the price set upon them is above their value, and will prevent their coming into common use.

318. E. A. Bennett, *Waterville, Me.* Revolving chain many-chambered Rifle—each chamber separate, and connected with joints. It has some objections, being intricate, and somewhat awkward in its construction, which the inventor (not experienced in gun making) intends to obviate. Should he succeed, it may be discharged with as much rapidity as any other.

699. P. W. Whittier, *Enfield, Ct.* A many-chambered rifle—a handsome, well made article, similar to the rifle made in London, called Colyear's rifle.

576. Henry Pratt, *Roxbury, Mass.* A Rifle, with a cast steel barrel, silver mounted, and well finished, on the plain percussion principle—a safe, substantial, serviceable gun. *A Diploma.*

213. James Eaton, *Concord, N. H.* Twelve portable Rifles—they may be unscrewed between the butt and the barrel, and packed in a common

trunk; they are highly ornamented, and of good workmanship, but hardly to be depended upon for accurate shooting.

929. B. T. Edmands, (for Joel Richardson, *Boston.)* Specimen of the Musket adopted by the Boston Light Infantry—finished in superior style, and is a convenient, substantial piece for army service. The form of the stock is new, and meets approbation.

791. Isaac Davis, *of Boston*, (for Rufus Nichols, *Conway, Mass.)* A revolving cylinder, many-chambered Rifle—intended to be used with percussion powder, instead of caps—the mode of revolving the chamber is new, and if adapted for caps, it would be second to none of the inventions for rapid firing.

723. A. Waters, *Millbury, Mass.*, (for Levi Hitchcock.) A pair of double barrels, for a fowling piece—they are of iron and steel united, supposed to be as good as English twisted barrels—well bored and polished, but unfinished on the outside. *A Diploma.*

248. Morrill, Mossman & Blair, *Amherst, Mass.* A Rifle, of superior workmanship, highly finished and polished—a beautiful specimen of work for exhibition, but the polished barrel is objectionable for use. Also, two Bowie Knife Pistols, of excellent workmanship, made to be carried in a sheath at the side, with broad blades projecting below and beyond the barrels—they will bear minute examination, and are destructive instruments. *A Silver Medal.*

147. B. & B. M. Darling, *Bellingham.* A patent rotary Pistol, with six barrels, made from a solid piece of cast steel, which turn by the act of cocking. They are neat specimens of ingenuity and mechanical skill, well adapted for many uses. *A Diploma.*

921. Andrews & Osborne, *Canton, Ct.* A brace of Pistols—called Ruggles' patent—they are well finished specimens of this manufacture.

Cyrus Alger, *South Boston.* Two iron and one brass pieces of heavy ordnance—remarkably clear and perfect castings for their size—without fault. *A Silver Medal.*

564. N. P. Ames, *Springfield, Mass.* One heavy brass Cannon—no imperfection is perceptible in the founding or finishing. *A Diploma.*

111. Thomas W. Lyon, *Northborough, Mass.* A small portable Rifle—a light, handy, well finished article, in good proportion.

1100. A. Clark, *Boston.* An Air Gun on a new construction—the whole contents of the air chamber are exploded at each discharge, and the ball is propelled with great force.

952. H. C. Fay, *Lancaster, Mass.* A rifled Pistol.

1046. J. L. Clendennin, *Boston.* A Powder Horn—a neat, well finished article of the kind, doing great credit to the industry of the maker.

275. Francis & Lovel, *Boston.* A small brass Cannon.

SILK GOODS, SEWING SILK, COCOONS AND THREAD.

HENRY EDWARDS, JOHN LAMSON, LEVI B. HASKELL, JAMES LEACH, *Judges.*

301. NORTHAMPTON SILK COMPANY, *Northampton, Mass.*, by S. Whitmarsh. Sewing Silks—29 1-2 lbs. of a quality deserving the highest commendation for the perfection attained in its manufacture, the evenness of thread, beauty of color, and its peculiar resemblance to the manufactures of Italy, where the experience of centuries has been brought into practice. *A Silver Medal.*

644. G. W. & B. F. SIMONDS, *Boston*, for the Dedham Silk Company. Sewing Silks—48 bundles of 300 skeins each, of very superior quality, and in some respects fully equal to lot 301. Should improvements continue to be made as rapidly as they have been by these two companies, we may soon dispense with sewing silk of foreign fabric. *A Diploma.*

570. J. STEVENS, *Newburyport, Mass.* Sewing Silk—a small sample, made in the private family of the contributor—a beautiful specimen, showing the success that may attend such cultivation and manufacture in families. *A Diploma.*

59. MR. & MRS. A. BROOKS, *South Scituate, Mass.* Samples of sewing and knitting Silk, made from cocoons of her own raising, and reeled and twisted by one process, by a machine of his own invention, deserving of particular notice. It exhibits a model for efforts in private families, worthy of imitation. The Committee would notice with commendation the untiring exertions of Mr. and Mrs. Brooks, during the whole exhibition, to interest and instruct all who approached them, in the process of reeling and twisting silk from the cocoon, by their machine, suitable for sewing or other purposes. *A Silver Medal.*

582. JOHN SULLIVAN, *Quincy, Mass.* Sewing Silk—good specimens of household manufacture. *A Diploma.*

301. NORTHAMPTON SILK COMPANY, *Mass.* Silk Twist—it does credit to the manufacturers, though there is room for improvement.

582. JOHN SULLIVAN, *Quincy, Mass.* Silk Twist of family manufacture.

117. ATLANTIC SILK COMPANY, *Nantucket, Mass.* Printed Silk Handkerchiefs—47 pieces—and four pieces of printed Foulards—of superior quality in firmness of texture, presenting a beautiful specimen of what American enterprise may accomplish. *A Gold Medal.*

62. ADAM BROOKS, *South Scituate, Mass.* Silk Handkerchiefs, 43 in number, printed by J. W. Halliday, Lynn, Mass., were well worthy of particular notice—in regularity of texture, softness and gloss, they were superior, but light in weight.

301. NORTHAMPTON SILK COMPANY, *Mass.* Silk Vestings—plain Satin, and plain and ribbed Florentine—favorable specimens of a first attempt in the manufacture of these articles.

117. Atlantic Silk Company, *Nantucket, Mass.* Silk and cotton stuffs —of firm and good fabric—the mixing of these materials is carried to a great extent in Europe, producing showy and durable articles, which we may hope our manufacturers will soon be able to equal.

124. E. Harrington, *Boston.* Silk half Hose—43 pairs are a favorable specimen of the progress in this branch of silk manufacture ; by the use of the improved machinery, it may soon become an important branch of business. *A Diploma.*

467. Essex Printing Company, *Lynn, Mass.* Silk Handkerchiefs—a specimen of printing on Chinese silk, which exhibits the progress made in this country in printing silks, and is creditable to the company. *A Diploma.*

582. John Sullivan, *Quincy, Mass.* A basket of Cocoons grown by him, which excited much attention.

967. Timothy Smith, *Amherst, Mass.* Raw Silk—the only specimen exhibited. Mr. Smith states that he has raised two hundred pounds of cocoons by the labor of his own family, during the present season, and has reeled twenty-three pounds of sewing silk. He thinks the labor of feeding the worms and reeling the silk will be paid by the bounty offered by the state. Mr. Smith's success may afford encouragement to efforts in private families, for in this manner all the European raw silk is produced. *A Silver Medal.*

346. Charles F. Durant, *Jersey City, N. J.* Specimens of Asiatic and American Silk Worms, with their cocoons, and raw silk and sewing silk from the former, were objects of particular interest. *A Silver Medal.*

137. Ellis & Gay, *West Dedham, Mass.* Spool Cotton. *A Diploma.*

165. Blashfield & De. Witt, *Oxford, Mass.* Spool Cotton. *A Diploma.*

The Committee cannot give a preference to either of the specimens of spool cotton; both are good in the quality and beauty of the thread, and in the neatness of the spools.

671. E. J. W. Morse, *Easton, Mass.* Sewing Cotton—a superior article. *A Diploma.*

The Committee would express their satisfaction at the proofs presented of the progress made in the culture and manufacture of silk within this state; which, under further perseverance, bids fair, ere long, to supersede the necessity of resorting to foreign climes, for many kinds of silk goods.

COACH LACE, WEBBINGS, FRINGES, UPHOLSTERY GOODS AND PAPER HANGINGS.

John Rayner, Henry Burditt,
Henry P. Fairbanks, Nath'l Williams, *Judges.*

11. Henry Wood, *Boston.* Paper Hangings.

198. Spear & Merriam, *Boston.* Paper Hangings.

483. Joseph M. Barry, *Worcester, Mass.* Paper Hangings.

562. *(Maker unknown.)* Paper Hangings—fifteen rolls.

953. T. Christy & Co., *Poughkeepsie, N. Y.* Paper Hangings. *A Diploma.*

The Committee generally remark upon the articles of Paper Hangings, that they do not consider any of the specimens of a very superior quality, but they give the preference to those manufactured by T. Christy & Co., as being better than any of the others. Those made by Henry Wood are ranked next in order, and very fair specimens were presented by an unknown maker. The remainder were colored with taste, but not made in so workmanlike a manner.

176. Peter C. Jones, *Boston.* Carpet Paper—a very good article.

49. Institution for the Blind, *Boston.* A Mattrass and Mat—exhibited evidence of the skill of the pupils, being substantial and well made articles.

415. Sumner Flagg, *Boston.* A Mattrass—a very good article.

813. James Paul, *Boston.* A Mattrass—the best exhibited. Also, a Window Curtain and Blind—a very convenient article. *A Diploma.*

1065. H. Lawson, *Boston.* A Model of Window and Shade—the best of the kind at the Fair. *A Diploma.*

61. Eliza Mingus, *Boston.* Window Shades.

769. W. Kramp, *Boston.* Blinds and Fireboard.

804. H. Boardman. *Boston.* A Screen.

931. Mrs. Turner, *Boston.* Window Shades.

476. Baker & Lincoln, *Hingham, Mass.* Samples of Fringes, Tassels, Bell-pulls, Gimps, Drapery Ropes, Military Tassels, Coach Lace, &c.—fine specimens, tastefully and well made. The manufacturers deserve much credit for the quantity and variety exhibited, as well as for taste in arrangement and manufacture. *A Silver Medal.*

267. P. A. Lacoste, *Boston.* Specimens of Fringes and Tassels—very fine; also of Gimps, Bell Laces, &c.—very superior. Mr. Lacoste is entitled to much praise for his ingenuity in the construction of a Loom for weaving Silk Bell Lace, which was exhibited in operation; and also for some beautiful specimens of Coach Lace. *A Silver Medal.*

948. H. N. Bigelow & Co., *Shirley, Mass.* A specimen of Coach Lace, made by water power—a very perfect piece of work. The invention which produced this article is destined, if successful, to make a great improvement in the manufacture of Coach Lace, and to supersede the use of hand looms.

The Drapery Curtain, by James Paul, *of Boston,* in the centre of the west end, was one of the chief ornaments of the hall—a chaste and beautiful specimen of the arts, and very tastefully and neatly arranged. *A Silver Medal.*

COOPERS' WORK, BOATS, AND PUMP AND BLOCKMAKERS' TOOLS.

J. B. Wells, John Wade,
James Clark, E. H. Little,
Isaac Dupee, *Judges.*

344. R. Barker, *East Cambridge, Mass.* Several Provision Barrels, half and quarter barrels, and an Oil Barrel, made and finished in a workmanlike manner, superior to casks usually made of this description—from the cooperage of E. A. & W. Winchester. *A Diploma.*

840. Samuel Nicolson, *Boston.* White oak, wooden bound, forty gallon Casks, made by F. McManers and Charles Gilson, one each—a white oak, iron bound barrel, by Warren Lund—three white oak, iron bound half barrels, by Calvin Shed—all from Nicolson's Patent Machine Stave Factory at South Boston. These are fair specimens of good work and high finish—one cask, by Warren Lund, is a first rate piece of work, superior to the others; and the manner of dressing the staves is decidedly the best for casks of all descriptions. *A Diploma.*

43. James Spear, *Boston.* Ten white oak, iron bound beer barrels and kegs of different sizes, and two harness casks—good specimens of common work, made in a workmanlike manner. *A Diploma.*

917. Benjamin Clapp, *Boston.* A small cask, with four glass heads, and three apartments, containing one pint each.

234. S. Kate, *Boston.* Two small casks, with fanciful heads.

482. Charles Pook, Jr., *Boston.* Two miniature casks, with dime heads, various woods united, and full hooped with rattan—displaying considerable ingenuity and skill.

749. R. Whitton, *Hingham, Mass.* Six covered and six toy Buckets—a very neat, well made sample.

750. C. Wilder, *Hingham, Mass.* A nest of Pails, brass hooped and bailed—a first rate article. *A Diploma.*

281. John Lang, *Boston.* A small oval Harness Cask.

271. Dalrymple & Goldwaite, *Salem, Mass.* An oval Harness Cask—first rate work, and, though not polished and varnished, it deserves notice. *A Diploma.*

790. S. E. Warner, *Boston.* An oval Harness Cask—mahogany top and brass hoops—complete workmanship in every respect, reflecting high credit upon the maker. *A Silver Medal.*

917. E. W. Goddard, *Boston.* An oval Harness Cask, bird's eye maple, with copper hoops, and an improvement of a screw set, for screwing it to the vessel's deck—a beautiful specimen of skill in this manufacture, and must be highly approved for strength, beauty and durability—fit to ornament any ship. *A Silver Medal.*

492. Aaron Hale, *Boston.* Coopers' Tools—Levelee, Howell and Croze, of cast iron—a patent article, recently introduced, and not yet much in practical use.

142. Henry N. Hooper & Co., *Boston*, for Ebenezer Tappan, Jr., *Manchester, Mass.* Two ships' Steering Wheels—on the plan commonly in use—the workmanship and finish are of the highest order, surpassing all others presented. *A Silver Medal.*

897. Enos Wilder, *Boston.* A metal ship's Pump—a highly finished and ornamented machine, applicable as a fire engine, or suction and forcing pump for domestic purposes—it is highly creditable to the maker. *A Diploma.*

286. Ebenezer Jenkins, *Boston.* Three bakers' Peels.

134. William Darton, *Charlestown, Mass.* Model and draught of a ship of six hundred and ninety tons, designed for a fast sailing packet. They were executed during evenings and leisure hours, in the intervals of daily labor, as a journeyman, and deserve the highest praise and commendation, both for the neatness and skill displayed in their execution, and for the persevering industry of the mechanic. *A Diploma.*

505. John T. Wheelwright, *Newton, Mass* A model and skeleton of the brig Rob Roy, which was built at South Boston. All the parts are made separate, and in proportion, and, as the deck is removable, the whole can be examined—the timbers are of mahogany, and the fastenings finished of wire. *A Diploma.*

502. E. N. Morse, *Boston.* A double and a treble fifteen inch purchase block, with brass plates, and turned, polished pins—they are probably the best specimens of this article exhibited—they are of strong, neat workmanship and high finish, and reflect credit on the manufacturer. *A Diploma.*

987. Owen Huff, *Boston.* Three miniature Blocks, with gold straps, made from wood of the Constitution—curious specimens of patience and skill.

629. Henry Fowle, *Boston.* Three single and one double purchase Blocks, with roller cogs—a good specimen of common blocks—would not suffer in comparison with any not made for exhibition.

721. William Bickford, *Boston.* Three improved iron bound Snatch Blocks—upon a plan recently introduced, but approved upon trial—of good proportions, well made, and the iron straps will compare with the best work.

353. Charles V. Card, *New Bedford, Mass.* A frictionless Pump. A bag, about two feet long, smaller than the bore of the pump, made of canvas or leather, draws up the water; the top is open, and is fastened to an air tight box, which plays in the pump; and a butterfly value in the bottom allows it to fill—the piston rod is attached, at the lower end, to the box con-

taining the valves at the bottom of the bag. The wear is changed from the valve box to the box at the top of the bag, which is easily repaired, and the construction is simple and not liable to be choaked. The Committee think the idea in part new and worthy of notice; and believe it may be advantageously used in ships, or wells of about thirty feet depth. *A Diploma.*

47. Sanford Adams, *Concord, Mass.* A common wood suction and lifting Pump, with a lever attached to the lower valve, so that, by raising the handle to its utmost height, the lower valve will be raised and allow the water to escape, to prevent freezing—though not new, it is a useful contrivance.

792. E. Thompson, *Boston.* A self-acting Pump, an ingenious contrivance, which acts well in the model, though doubts are entertained if it will operate advantageously in actual use. It is designed for a ship's pump, and is worthy of notice and trial. *A Diploma.*

974. Jesse Reed, *Marshfield, Mass.* A square metal Pump; the interior is square, and one side of the upper valve is attached to one side of the pump, while the opposite side is worked up and down by the piston, dispensing with the motion of the box. This is not believed to be better than the old plan.

1012. Leonard French, *Boston.* Specimens of Sarle's rotary Beer Pumps; a neat article, which operates well.

135. David T. Harris, *New York.* Barton's patent Suction and Forcing Pumps, made principally of cast iron; an effective machine, calculated to be used as a pump or engine—compact, strong, durable, and operates well. *A Diploma.*

990. T. C. Barton, *New York.* An Engine Pump of larger size, intended for ship's use, in freeing the ship of water, washing the decks, wetting the sails, &c. For simplicity, utility and strength, these are considered the best specimens of the kind exhibited.

949. A Beer Pump, by the same inventor—of metal, highly finished, and is not surpassed for workmanship by any in the exhibition. *A Diploma.*

768. R. A. Newell, *Boston.* A small Capstan Pump; the workmanship is creditable to the maker, but it is not deemed a valuable improvement on the pumps now in use.

316. Ebenezer Leman, *Boston.* A model of a patent four cylinder Rotary Pump—an ingenious invention, which is thought valuable for ships of war, where many hands can operate, and great quantities of water must be raised. It can also be used in the common way, if desired. *A Diploma.*

405. Joseph Breck & Co., *Boston.* One of Hale's Rotary Pumps,—a compact, neatly finished metal Pump, used for sucking and forcing water; it is in common use, and generally approved. Also, one Farman's double acting Pump, the pistons moving horizontally, but possessing no peculiar advantage.

152. Isaac Fowle & Co., *Boston.* Figure heads and mouldings for ships, well carved in wood.

450. J. L. Dimmock, *Boston.* Specimens of worm-eaten wood, with one of the worms, taken from ships' bottoms.

1088. W. Buffington, *Boston.* A model of a whale boat.

Whittemore & Holbrook, *Boston.* The row boat Tiger, built for the Tiger Boat Club of this city, is a beautiful specimen of the art. She is an eight-oared barge, of thirty-five feet in length; her model and proportions are calculated for a fast boat; the materials are carefully selected for lightness, strength and durability. The workmanship and finish are complete in every respect, and will reflect great credit upon the builders. It is worthy of particular notice. *A Silver Medal.*

BOOTS, SHOES, SHOE-DEALERS' TOOLS, LEATHER AND MOROCCO OF ALL KINDS, AND POCKET-BOOKS.

Charles A. Wells,	Isaac Williams,
Thomas Gaffield,	E. V. Ashton,
Edward Haynes, Jr.	Nath'l Faxon, *Judges.*

831. Morgridge & Patten, *Philadelphia.* Sides of russet Bridle Leather, very good; bright, living Hides and bag Hides, six of each; superior, well tanned and finished. *A Silver Medal.*

131. Roxbury Patent Leather Company, Samuel Jackson, Agent. Hide of Japanned Leather; white Japanned Belt Leather; Japanned Collar Leather, and Japanned Calf Skin, superior; rolls of Japanned Cloth, beautiful samples of the best style. *A Silver Medal.*

620. Joseph Nahor & Co., *Nashua, N. H.* Japanned Goat Skin, and Neats Leather, of most beautiful manufacture. *A Diploma.*

169. A. Thompson & Co., *Woburn, Mass.* Grained Neats Leather, for shoes, very superior; Wax Calf Skins, very fair; boarded Neats Leather, for chaise tops, good. *A Diploma.*

173. Guild, White & Co., *Boston.* Buff Seal Skins; buff Goat Skins, and wax Calf Skins—tanning and finish excellent; all very superior, and the best offered. *A Diploma.*

357. A. P. Batchelder, *Danvers, Mass.* Wax Calf Skins, Russia, good.

412. Josiah Brackett, *Boston.* Bark tanned Skivers, very superior tanned and finished. *A Diploma.*

356. Pool & Jacobs, *Danvers, Mass.* White Linings and Skivers, very superior. *A Diploma.*

264. J. Cummings & Son, *Woburn, Mass.* Boarded Neats Leather, for chaise tops, very good. *A Diploma.*

385. Rufus Brackett, *Boston.* Morocco Skins, green, maroon, red and bronze; superior, the best colored morocco exhibited. *A Diploma.*

890. N. R. Leman, *Charlestown, Mass.* Deer Skin Bindings, very superior.

600. C. Solis, *Charlestown, Mass.* Morocco Skins, black—superior tan and finish; bronze and green, good. *A Diploma.*

261. John Hunt, *Boston.* South American Kid Skins—tanning and finish very superior; black Morocco Skins and Goat Bindings, excellent. *A Diploma.*

830. J. W. Patten & Co., *Philadelphia.* Sides of Sole Leather, superior tanning, and very handsome. *A Diploma.*

1059. H. A. Gay, *Quincy, Mass.* Red Sole Leather, very good,—well tanned.

1090. W. & M. Black, *Danvers, Mass.* Black Morocco Skins and sheep skin bindings.

575. Charles White, *Boston.* One pair grained goat Boots.

965. H. B. Coining, *Weymouth, Mass.* Calf sewed Boots, superior stock and work; the cutting remarkably good. *A Diploma.*

210. T. Popf, *Quincy, Mass.* Calf sewed Boots, superior stock and work. Entered by N. Faxon, Boston. *A Diploma.*

210. J. Hastings, *Weston, Mass.* Cow hide pegged Boots, very superior. Entered by N. Faxon, Boston. *A Diploma.*

694. Oliver Ayers, *Boston.* Calf Boots, imp. French; cut and style excellent—work very fair.

431. E. T. Blanchard, *Boston.* Calf Boots, yellow fringed tops, superior fitting, cut and style common.

875. Abel Baker, *Boston.* Calf Boots, fine stitchings; and gentlemen's Pumps, &c., common stock and work.

1008. D. Field, *Bridgewater, Mass.* (for S. Churchill, Stoughton, Mass.) Gentlemen's calf pump Boots,—the cut, style, stock and work, all very superior. *A Diploma.*

954. E. Coburn, *Dracut, Mass.* Men's Shoes.

413. Robert Knott, *Boston.* Ladies' Shoes and Gaiter Boots, and children's Shoes—all very good stock and work.

639. D. C. Baker, *Lynn, Mass.* Children's Shoes.

658. Lawrence & Driver, *Salem, Mass.* Ladies' Kid Slippers, superior cut and work; stock excellent. *A Diploma.*

18. Salem India Rubber Company. Fur lined ladies' walking Shoes, water proof.

93. Eagle India Rubber Factory, *Woburn, Mass.* Ladies' and gentlemen's India rubber water proof Shoes, over-Shoes and Boots—a new article, and very good of the kind.

824. John Kimball, 3d, *Boston.* Ladies' Shoes, very fair work; and children's Shoes, superior.

709. J. Knott & Son, *Boston.* Ladies' Shoes and Gaiter Boots, and colored satin Slipper—beautiful specimens of work; altogether the best lot offered for exhibition, and worthy of especial notice. *A Silver Medal.*

1056. E. S. Davis, *Lynn, Mass.* Kid Shoes—fair work.

97. James Hall, *North Bridgewater, Mass.* Improved Shoulder Sticks, Coults, and an Awl Handle—all very superior.

512. J. Ames, *Easton, Mass.* Shoe Knives, a superior article, beautifully finished. *A Diploma.*

J. Russell & Co., *Greenfield, Mass.* Shoe Knives, very good.

773. S. Cox, *Malden, Mass.* Lasts, superior; and Boot Trees, very superior. *A Diploma.*

698. Collins, Stevens & Co., *Boston.* Lasts, superior.

520. Charles Wight, *Boston.* Lasts, superior; and Last machine. *A Diploma.*

The Committee see no reason for making any distinction in these lots of lasts; they were all in good style, and highly finished.

136. James Creighton, *Boston.* Bell's Paste Blacking; very good and well put up.

466. James Dyer, *Boston.* Port-folios; Pocket-books and Wallets, of various kinds; Banker's, Travelling, Attorney's and Medal Cases; finger-ring Boxes; Miniature Cases, and a Jewel Box; all of superior work and finish, especially the jewel box, which was well arranged, of superior workmanship, and is entitled to particular notice. *A Silver Medal.*

653. Samuel J. H. Smith, *Boston.* Travelling and Miniature Cases; Port-folios for writing, and one Pocket-book,—the last article made by Joshua Thaxter, an apprentice, and very creditable to him. One of the travelling cases rolls up, and is a convenient and good article; the other is a new arrangement, devised by Mr. Smith, and contains an ample writing and shaving apparatus, with a trunk convenient for many small articles. It is worthy of notice. *A Diploma.*

1017. E. A. Lord, *Litchfield, Conn.* Embossed calf skin Wallets, well known in the market, and considered the best. *A Diploma.*

915. F. Williams, *Boston.* Folded Wallets.

1085. F. M. Butler, *New York.* Sealing Wax,—tried and found good.

104. Charles Emerson, *Charlestown, Mass.* Razor Strops, well known, and considered the best in the market. *A Diploma.*

717. C. Whitman, *Boston.* A Military Table.

PIANO-FORTES, ORGANS AND OTHER MUSICAL INSTRUMENTS.

SAMUEL A. ELIOT, T. APPLETON,
REV. DR. WAINWRIGHT, C. BRADLEE,
GEO. G. WEBB, *Judges.*

The most important instrument, and the only one of which any considerable number was presented, was the Piano-forte; of these, specimens were sent by four manufacturers in this city. The excellence of the best, by each of these makers, was such as to be in the highest degree gratifying: and the Committee believe that the instruments manufactured here, will bear, without disadvantage, a comparison with those of European construction. The qualities desired are a full, rich, brilliant, justly proportioned tone, and a well balanced action, responding promptly to the touch, and enabling the performer to regulate at pleasure the power and volume of sound, and the rapidity of execution.

The instrument which, after repeated trials, the Committee thought deserving of the first rank in all these respects, was made by J. CHICKERING & Co., (No. 903. Seven Piano-fortes,) and was marked Number 6 by the Committee. It stood upon the platform at the west end of Faneuil Hall, and was in a rose wood case. Another instrument, by the same manufacturers, in a mahogany case, which was in the north gallery, was so nearly equal in all respects, that it was not without hesitation the Committee came to their decision.

A third instrument, from the same establishment, claims notice, though of smaller size and price, for the uncommon fulness and brilliancy of its tone, its good proportion, and ready action. It was placed at the easterly end of the north gallery, and was numbered 2 by the Committee. *A Gold Medal.*

The next in merit to the best one of Chickering's, in the opinion of the Committee, was made by WILKINS & NEWHALL, (No. 414. Two Horizontal Piano-fortes.) The proportion of the upper notes to the lower was slightly, and but slightly inferior to that of Chickering's best, while the action was perhaps fully equal. *A Silver Medal.*

The same remark must be made of the instrument which the Committee estimated as the third in rank, which was manufactured by ALLEN HALLET, (No. 916. Three Piano-fortes,) and which stood on the platform. *A Silver Medal.*

Of the fourth, which was made by GILBERT & Co., (No. 914. Five Piano-fortes,) the opinion of the Committee was, that the tone, though perhaps not quite equal to that of the other three, was still rich, pleasing and well proportioned; but the action seemed to them to require a heavier touch, and to preclude an equal degree of brilliancy of performance. On this account they felt compelled to prefer the other instruments they have mentioned. The one by Gilbert & Co. which was thought the best of that manufacture

was at the north end of the platform, and was numbered 1 by the Committee. *A Silver Medal.*

Of the Flutes, which were manufactured by E. G. CHRISTMAN, of *New York*, (No. 348,) the Committee selected one with ten keys, which they considered the best, and which appeared to be a very fine instrument; but, as there was no competition, they had no opportunity to compare it with the productions of any other manufacturer. They have no hesitation, however, in expressing the opinion that the workmanship of these flutes was first rate. *A Silver Medal.*

581. A Double Bass was offered by H. PRENTISS, of *Boston*, which appeared to be an excellent one; but the wiring of the A string was loose, and no bow was sent with the instrument, so that the Committee had little opportunity to judge of its merits.

The Violin of new construction, (No. 584,) by L. BABCOCK, of *Ware, Mass.*, was a specimen of ingenuity, but, the Committee are sorry to be obliged to add, of unsuccessful ingenuity. It is no disparagement of any man's talent, to say he will find it difficult to improve upon the long established construction of the violin. It is not a thing to be lightly undertaken, nor can the Committee think it expedient or desirable that much time should be given to a pursuit so likely to prove unavailing.

An Organ without pipes (No. 526) was offered by J. PLYMPTON, of *Boston*, which was also ingenious, but failed to produce an agreeable effect; and the construction was not perfect enough to allow of rapid movements. A parlor Organ of the common kind was presented by the same artist.

592. A Trombone, without peculiarity, but apparently a good instrument, was offered by HENRY PRENTISS, of *Boston.*

(No. 961.) The Bell, from HOLBROOK'S manufactory, *East Medway, Mass.*, which was used at the opening of the Fair each day, was of pleasant tone, but was not remarkable for the length of its vibrations. They might, however, have continued longer, had its situation been more favorable. *A Silver Medal.*

212. BATES & TOLMAN, *Boston.* An invoice of Musical Instruments.

NECK STOCKS, HOSIERY, GLOVES, GENTLEMEN'S WEARING APPAREL, READY MADE LINEN, AND INDIA RUBBER GOODS.

GRENVILLE MEARS, WM. H. WILSON,
OLIVER HUDSON, HENRY SMITH, *Judges.*

930. H. B. VANS, *Boston.* Neck Stocks—the frames finely wrought, well shaped, and very elastic—their general style and finish altogether of a superior order, showing great perfection in this manufacture—they were the best exhibited. *A Diploma.*

148. Darwin Chaffin, *Boston.* Neck Stocks—similar to the above, and in every respect nearly equal in quality. *A Diploma.*

779. Abraham Call, *Boston.* Neck Stocks—a very good article in a large quantity—some, of black and white satin, tastefully embroidered with colored silk, by Miss Robbins, and producing altogether a pretty effect. *A Diploma.*

678. Benjamin Hathaway, *Plymouth, Mass.* Neck Stocks—a well finished article, in good taste.

738. Randolph & Coy, *Boston.* Neck Stocks—of fair quality.

148. Darwin Chaffin, *Boston.* Ready made Linen—got up in a superior style, decidedly creditable to the manufacturer.

1007. Kilham, Mears & Co., *Boston.* A Coat—of creditable cut and workmanship.

850. W. H. Wilson & Co., *Boston.* Specimens of Clothing—creditable to the manufacturer.

708. W. H. Milton & Co., *Boston.* Specimens of Clothing—exhibiting an elaborate display of stitching—rather distinguished for the amount of labor bestowed, than for any mechanical skill or ingenuity.

1009. J. H. Weed, *Boston.* A miniature Coat—a neat and well proportioned affair.

823. E. A. Hobart, *Boston,* [a lad 17 years of age.] A pair of Pantaloons, in the French gaiter style, exhibiting elegance of shape and beauty of work—highly creditable to the skill of the young artist. *A Diploma.*

822. Hobart & Kimball, *Boston.* A child's Embroidered Dress—a beautiful specimen of that most difficult manufacture—well proportioned, and calculated to sustain the reputation of the makers in this branch of their profession. *A Diploma.*

77. Boston India Rubber Company, N. P. Mann, *Agent.* A great variety of well manufactured articles—water proof. *A Diploma.*

980. Chalres Goodhue, *New York,* by J. R. Newell. India Rubber Goods, shewing a great improvement in the manufacture of that material, which met decided approbation from scientific gentlemen. *A Diploma.*

139. Roxbury India Rubber Company. A Life Spar, and Life Preservers, invented by Samuel T. Armstrong, for the company, which are regarded valuable inventions, well calculated to save thousands of lives in the maritime service. *A Silver Medal.*

50. Edwin Grimston, *Danvers, Mass.* A patent Measure for Pantaloons.

1003. Erastus Barber, *Boston.* A standard Measure for Coats, *A Diploma.*

The two last are new inventions, which the Committee think will prove useful to the trade.

989. A. Wiswell, *Exeter, N. H.* A Tailor's Square, and a book of Drawings.

571. J. H. Foster, *Boston.* A Riding Belt—an article in general use—the specimen of fair quality.

124. Ephraim Harrington, *Boston.* Woollen Hose and Half Hose—of a fabric well adapted to general use. The Committee regret that so few specimens of this useful and interesting article should have been presented.

COTTON AND PRINTED GOODS.

Henry Rice, Robert Waterston,
James Read, *Judges.*

351. A. & A. Lawrence & Co., *Boston*, for the Boott Manufacturing Company, Lowell, Mass. Brown and bleached Drillings, of a good substantial fabric; brown and bleached Shirtings, or long cloths, of an excellent quality,—fine, even, and well manufactured in every respect. *A Silver Medal.*

350. A. & A. Lawrence, *Boston*, for the Lawrence Manufacturing Company, Lowell, Mass. Fine brown and bleached Shirtings and Sheetings, of a good fabric, and well manufactured.

A. & A. Lawrence, *Boston*, for the York Manufacturing Company.—Bleached Jeans, very well manufactured.

205. Everett & Mather, for the Sturbridge Manufacturing Company. Printing Cloths, from No. 35 yarn, 29 inches wide. These goods were of a very superior quality. *A Silver Medal.*

610. J. W. Paige & Co., *Boston*, for the Hamilton Manufacturing Company, Lowell, Mass. Bleached Long Cloths, fine and of an excellent fabric; bleached Sheetings, a stout and good article.

686. Parker, Blanchard & Co., *Boston*, for the Phenix Manufacturing Company, Peterboro', N. H. Fine bleached and brown Drillings, very fine, and uncommonly well made. Also, dyed Silesias, a very superior article, good colors and well finished, and the Committee think superior to any goods of the kind they have seen manufactured in this country. Bleached Sheetings, a stout and good article. *A Silver Medal.*

Parker, Blanchard & Co., *Boston*, for the Union Manufacturing Company. Fine bleached Shirtings, of a superior style and quality. *A Diploma.*

Parker, Blanchard & Co., *Boston*, for the Ware Manufacturing Company, Ware, Mass. Bleached Drillings, of a good quality.

470. J. W. Paige & Co., *Boston*, for the Merrimack Manufacturing Company, Lowell, Mass. Calicoes. The goods manufactured by that company have acquired a great reputation throughout the country, from their great width, stoutness of fabric and permanence of colors, and the goods exhibited were fair specimens of such as are constantly manufactured by that company. *A Diploma.*

280. Lemuel Blake, *Boston.* Colored Damask Table Cloths. The goods exhibited were manufactured in this city, and wove by steam power, and the manufacturer states that this is the first manufactory of the kind established in New England, and he believes in the United States, where the weaving is done by steam or water power. The cloths were very handsome, and the manufacturer is entitled to great praise. *A Silver Medal.*

62. James W. Halliday, *Lynn, Mass.* Printed Handkerchiefs, brilliant colors, and fair specimens of printing. *A Diploma.*

1049. Greensdale Bleaching Co., *East Greenwich, R. I.* Cottons.

SHELL, PEARL AND IVORY WORK, BRUSHES OF ALL KINDS, AND HAIR WORK.

Wm. S. Pendleton, J. A. Dickson, Elisha Jacobs, Wm. Underwood, *Judges.*

327. J. Fellows, *Cambridgeport, Mass.* Hair Brushes, of high finish, and fine bristles well set—a superior lot. *A Diploma.*

335. J. J. Adams, *Boston.* Hard bristled Cloth Brushes, the best sample; Painters' Tools, well made, handsomely finished, and neatly mounted with brass; with a great variety of soft Cloth Brushes,—flesh, crumb, hair and horse Brushes, comprising a very superior lot, both for workmanship and variety. Also, No. 677, are Floor and Hearth Brushes, of excellent quality. *A Silver Medal.*

107. Stratton, Coolidge & Co., *Boston.* Floor, Hearth and Dusting Brushes, of very excellent quality, and great variety and style; also, Painters' Tools, of good quality. *A Diploma.*

194. Armistead & Co., *Medfield, Mass.* Floor Brushes, of various styles, of a good quality and fair manufacture.

806. Alexander S. Jordan, *Boston.* Shell Combs, Bandeaus, Bracelets, &c.—all of beautiful patterns, handsomely carved, and well executed work, both in style and finish. *A Silver Medal.*

649. Alfred Willard & Co., *Boston.* Carved Combs, of very superior quality, and some of original designs. Also, some curious, ingenious, and creditable specimens of Miniature Shell Work. *A Diploma.*

791. Isaac Davis, *Boston.* Carved Shell Combs, of excellent workmanship and finish. Also, fancy stained Horn Combs, a capital imitation of real shell. *A Diploma.*

118. Ellis K. Josselyn, *Boston.* Two carved Shell Combs, good workmanship.

75. Cary, Boynton & Woodford, *Boston.* A case of horn Side Combs, fluted cap, &c.—of fair quality and well made.

695. Josiah Whitaker, *Providence, R. I.* Carved and plain twist Horn Combs, a very superior article, and a good imitation of shell. *A Diploma.*

J. Pratt. Fine teeth Ivory Combs, a superior article. *A Diploma.*

547. James Wilson, *Boston.* Two Ox Horns, for drinking horns; highly polished, silver mounted, and handsome specimens.

1097. W. M. Hatstatt, *Boston.* A Silk Reel, of bone—a neat article.

33. W. Adams, Jr., *Boston.* Whips, Canes and Busks, of whalebone, curious specimens; and whale teeth.

384. J. W. Osgood, *Boston.* A Walking Cane, manufactured from the bone of the whale, inlaid with shell; and whales' teeth and a bone, engraved in a superior manner.

408. A. Gilbert, *Boston.* Specimens of Hair Work, of various kinds; considered equal to any that have been imported. *A Silver Medal.*

AGRICULTURAL IMPLEMENTS.

J. T. Buckingham, Elias Phinney,
John Prince, Daniel Chandler,
Samuel Mixter, *Judges.*

1. James S. Draper, *Wayland, Mass.* A Cornplanter. This machine may be used with great advantage for planting corn in drills, peas, beans, &c. It may be regulated so as to vary the number of seeds to be dropped, and the distances at which they are dropped in the rows. *A Diploma.*

149. Prouty & Mears, *Hanover, Mass.* Ploughs. These were of different sizes, and finished with much neatness, exhibiting the taste of the mechanic to advantage. Mr. Prouty, one of the manufacturers, explained to the Committee the particulars in which his plough differed from others, and the reasons which persuaded him that those variations were advantageous—reasons which certainly appeared to be founded on philosophical principles; but, as the Committee had no opportunity of seeing any experiments in the practical use of the ploughs, they cannot, of course, undertake to decide whether they have claims to public favor superior to those of other ploughs in common use.

[Since this examination was made, one of the Committee, who is extensively engaged in farming, has made some experiments with this plough, and is satisfied that it combines important improvements, which render it more perfect than any other plough that has come under his observation, and that it will be found, on trial, to realize all the recommendations of its proprietor.] *A Diploma.*

172. A Corn Husker; was removed from the hall before the Committee made their examination.

635. J. A. Pitts, *Winthrop, Me.* A Threshing Machine; horse power ditto ditto.

405. Joseph Breck & Co., *Boston*, Proprietors of the Agricultural Warehouse.

Willis's Improved Cultivator, an implement lately adopted by farmers to a considerable extent, and considered very useful as a labor-saving machine. It is used chiefly on a light and easy soil, and its use dispenses, in a great measure, with that of the hoe.

Willis's Improved Seed Sower, a machine which was imported more than twenty years ago by a gentleman of Roxbury. It was then adapted only to the sowing of turnips, ruta baga, or seed of a similar description. Mr. Willis has made sundry improvements, by which it is now as well adapted to the planting of carrots, mangel wurtzel, peas, beans, or corn, in drills, as it was originally for small garden seeds.

Howard's Plough; an implement which in 1832 obtained a premium from the Massachusetts Agricultural Society. It is now in very general use among farmers, and needs no detailed description.

Willis's Hay Cutter; a useful machine for cutting hay or straw to be used as fodder for horses and neat cattle. The Committee would have thought this an invaluable appendage to the furniture of the barn, had not the same gentlemen exhibited

Green's Patent Straw Cutter, which seems to approach nearer to perfection than any thing they have seen, intended for the same or a similar purpose. It may be made to cut hay, straw or cornstalks, at any required length, and at a very rapid rate, with a trifling power. Its operation was truly admirable. *A Diploma.*

The Revolving Horse Rake; a plain and simple machine, much in use among farmers of Pennsylvania and New Jersey, and partially so in New England; with which one man and horse, with a boy to lead, may rake from ten to fifteen acres a day.

Harrison's Patent Corn Sheller; very simple in its construction; will shell from ten to twelve bushels of corn in an hour. It is a light and portable machine, and may be easily removed from place to place.

Rotary Pumps, of different constructions, and of various sizes, throwing a constant and regular stream of water by the simple operation of a crank.

An Improved Self-governing Cheese Press, so constructed as to govern and regulate itself in pressing a cheese of any size, without weights or screws.

Gault's Patent Churn, said to be the most approved churn now in use. Its motion is produced by a crank.

Hale's Threshing Machine; considered to be the most perfect in its operation for the purpose of threshing grain. It does the work in a most thorough manner, and at a very rapid rate. *A Diploma.*

Farnam's Grater Cider Mill; an improvement on the old fashioned mill, capable, it is said, of grinding sixty bushels of apples in an hour.

Willis's improved Sugar Mill; a very useful machine for grinding the

Havana box sugars—said to grind four hundred pounds in forty minutes, leaving the grain of the sugar entire. It appears to be a great improvement on the old practice of using the shovel.

Homes's Winnowing Machine; appeared to operate in the most perfect manner and with great expedition. There were several other machines for winnowing, but of inferior character.

Cast iron Cider Screws; having more than double the power of the old fashioned wooden screws, and consequently an improvement worthy of the attention of cider makers.

Willis's improved cast steel Manure Fork; a very perfect article, manufactured from a solid piece of cast steel—a good tool for the farm and the stable.

754. A Cheese Press, presented by Mr. Hale, of Hollis, N. H.; very simple in its construction, and operating by the power of levers, in a manner analogous to the Skakers' self governing press.

978. Thomas Holmes, *West Boylston, Mass.* Winnowing Machines,—both useful implements, and well adapted to the saving of labor.

981. E. A. Holton, *Westminster, Mass.* A Vegetable Cutter, for cutting ruta baga, turnips, carrots, beets, &c. for cattle—a very useful machine for the purpose.

1084. Rufus Porter, *Billerica, Mass.* A Rotary Churn, similar in construction and mode of operation, to that before noticed.

446. Azariah Spear, *Braintree, Mass.* A Drawer taken from a patent bee hive, well filled with clear honey in the comb; a convenient mode of robbing the bee.

902. D. Cummings, *Boston, Mass.* Corn Brooms.

63. Office of Mechanic and Farmer, *Bangor, Me.* A stalk of Rye, tall and prolific.

The Committee have thus reviewed very briefly all the articles submitted to their examination. It will appear from this report, that none of them were made expressly for exhibition at the Fair, nor were any of them so strictly *original* in their principles or construction as to entitle them to a premium. Indeed, it must be apparent that, in order to do perfect justice to articles of this nature, they must be seen in operation, and their real value tested by daily practice in the several operations to which they are supposed to be adapted. It is gratifying to perceive how much labor may be saved by the introduction among the agriculturists of our country of improved implements and machinery. Were it required by the Board of Managers, the Committee could present views of the labor performed by farmers thirty or forty years ago, and at the present time, the contrast of which would be striking and agreeable, and be most honorable to the enterprising and improving spirit of the present day. But such an exposition would necessarily

lead to a report that might be of repulsive length, and impose upon the Board of Managers the irksome duty of abridgment. They cannot, however, conclude their report without reminding the Board, that a considerable number of the implements mentioned above, have been much improved since they were originally invented. For these improvements the farmer is indebted, chiefly, to Mr. Charles Willis, one of the proprietors of the New England Agricultural Warehouse, whose enterprise and intelligence and persevering industry in aiding the agricultural interest, entitle him to the favorable regard of the public; and the Committee take much pleasure in recommending him to the Board of Managers as deserving of some testimonial of their approbation. *Silver Medal and Diploma.*

SOAPS, PERFUMERY, MEDICINAL AND OTHER CHEMICAL MANUFACTURES,—CHEMICAL APPARATUS,—DENTIST AND SURGICAL ARTICLES.

DR. MARTIN GAY, JOHN H. BLAKE,
A. A. HAYS, DR. GEO. HAYWARD,
E. V. ASHTON, *Judges.*

101. JOSHUA PRESTON. Ink, of excellent quality.

782. B. CALLENDER, *Boston.* Ink, of excellent quality.

763. MAYNARD & NOYES, *Boston.* Ink, first quality. The Committee believe it to be the best in the market. *A Diploma.*

12. DEXTER DANA, *Boston.* Mustard, a good article.

137½. SAMUEL KIDDER, *Charlestown, Mass.* Crystalized Tartaric Acid, powdered do., super-carbonate of Soda, and Rochelle Salts—first quality. *A Diploma.*

236. CLARK BREWER, *Boston.* Cigars; the best kind are well made and of good flavor. Those of an inferior kind, good.

324. GEORGE PHIPPEN, *Boston.* Ethiopian Dye for hair; a specimen of hair well colored by it.

329. R. C. MEGGETT & Co., *Watertown, Mass.*—D. Hastings, Boston, Agent. Watertown Soft Spring Starch; an excellent article, but somewhat inferior to that of the New England Company's. The manufacturer in this case, however, deserves commendation for presenting a specimen of good starch, made during the warm months, and more especially for having made it of a very bad material, that had been wet with salt water.

Also, British Gum, of first quality. *A Diploma.*

273. NEW ENGLAND STARCH COMPANY. Starch, first quality. *A Diploma.*

343. E. A. & W. WINCHESTER, *Boston.* Soaps. The white tallow soap, of first quality; the others, good marketable soaps. *A Diploma.*

426. Charles Henshaw & Co., *Boston.* Saltpetre and Camphor, first quality. *A Diploma.*

453. Eliphalet Davis, *Cambridge, Mass.* Fancy Soaps and Wash Balls, all of first quality. The first are nearly equal to the English; the wash balls are made of excellent soap, and tastefully put up with a variety of colors. They are superior to the English, and deserving of commendation. *A Silver Medal.*

474. L. & N. Crocker, *Barnstable, Mass.* Coarse Salt, a beautiful specimen, first quality. *A Diploma.*

550. J. K. Palmer, *Boston.* Cologne Water, and an assortment of other articles of Perfumery, and of Shaving Soaps. For American articles, of the first quality, and put up in a beautiful manner; the first attempt to manufacture an assortment of them in the city. Deserve much credit. *A Silver Medal.*

634. Ira White, *Boston.* Lead Ore, from Rossie, N. Y.; a handsome specimen, crystalized in cubes.

761. J. P. Williston, *Northampton, Mass.* Indelible Ink.

899. F. Peabody, *Salem, Mass.* White Lead, first quality. *A Diploma.*

174. M. S. Wood, *Bangor, Me.* A lot of Barnard Slate, thirty miles from Bangor.

74. J. R. Mitchell. Cologne Water, an excellent article.

670. Wright & Hacker, *Quincy, Mass.* Specimens of hammered Granite, excellently finished.

892. G. W. F. Mellen, *Boston.* Chemical articles; the aqua ammoniæ of first quality—the other articles good.

75. Cary, Boynton & Woodford, *Boston.* Fancy Soaps, of good quality, with the stamp of the Windsor soap. The Committee object to the placing a foreign mark upon an American article.

189. Francis Draper, *East Cambridge, Mass.* Stomach, Enema and Cupping Pumps. The stomach pump is of the first quality, being equal to the English article—very accurately made in all its parts, and upon the best plan. The other articles also of first quality. *A Diploma.*

200. R. Salisbury, *Providence, R. I.* Trusses, well made.

1053. James McChesney, *New York.* Trusses, a well made article. This would be a very good article for some cases.

252. Isaac Thompson, *Brattleboro', Vt.* A valuable Truss. For some cases it may prove to be the best in use.

485. S. Nolen, Jr., *Boston.* Artificial Teeth, made of porcelain and of sea horse teeth; the porcelain well set upon gold.

605. D. S. Baker, *Boston.* Artificial Teeth, mostly of the sea horse

teeth, which, in the opinion of the Committee, is very inferior to porcelain for this purpose.

991. J. H. Appleton, *Boston.* Artificial Teeth, of sea horse teeth; very well made.

707. Thomas Barnes, *Boston.* Artificial Teeth,—porcelain, and well set upon gold plate. *A Diploma.*

C. J. Houpt, *Boston.* Artificial Teeth, porcelain.

2. Andrew Stone, *Roxbury, Mass.* Rosseau's Cream of Jasmine.

367. Howland & Co., *Brookfield, Mass.* An artificial Leg.

421. Ingell & Co., *Taunton, Mass.*, by H. N. Hooper, Boston. Black lead Crucibles, first quality. *A Diploma.*

768. R. A. Newell, *Boston.* Essence of Rose, of fair quality.

287. Lewis & Haskell, *Boston.* A variety of Pickles—a large assortment, and of excellent quality.

603. William Underwood, *Boston.* Pickles, of various kinds—a large assortment of the first quality, and put up in a perfect manner; they fully sustained the manufacturer's reputation of making the best offered in the market. *A Diploma.*

800. C. Eyre & Co., *New York.* Specimen of glove cleaning.

443. Z. Cook, Jr., *Boston.* Sample of Mansfield Coal.

1028. George H. Gay, *Boston.* Artificial Palate. This palate is of gold, and it has been worn during two years with great comfort to the patient. Its object is to cover a fissure in the bones and soft parts forming the roof of the mouth, and which opens a communication with the nasal cavities. When this malformation is considerable, the consequences are very unpleasant, being a difficulty of swallowing, without a portion of the food and liquids passing into the cavities of the nose, and a great deficiency in the power of articulation. Mr. Gay is not the inventor of this artificial palate, but the fitting of it so that it can be worn, requires much patience and mechanical skill, and for this the Committee think him to be deserving of much commendation. *A Silver Medal.*

314. I. Babbitt, *Boston.* Hydrostatic Blowpipe. This blowpipe, which is of great use in several of the arts, as well as to the chemist, is well contrived both for permanency and convenience in all its parts. Mr. Babbitt deserves high commendation for his ingenuity. *A Diploma.*

572. Henry Plympton, *Boston.* Balance for gold. The Committee made a full examination of these balances, and they beg leave to notice the following points in them, in the proper construction of which consists a good balance. 1st. They found the form of the beam a good one, being of steel, and something like the swan-neck beam reversed; it was sufficiently firm and unyielding. 2d. The edges upon which the beam turns, and upon which is the centre of motion of the beam, and which, for the sake of con-

venience, we will call the centre edges; these must be sufficiently sharp, that the balance may be delicate, and sensible to a very small weight when heavily loaded, and they must be sufficiently thick and well tempered that they may not become dull by the pressure of heavy weights. 3d. The points of suspension must be exactly equidistant from the centre edges, and on the same line with them; these points were upon the turned-up ends of the beam, which were ground to a sufficiently sharp edge. There is a convenient urn-shaped apparatus, which may be turned on an axis to the right or left, by means of screws, so as to level the beam, in case it should lose its level by one side of it becoming corroded, or from any other cause. With the arrangement of all these points the Committee were perfectly satisfied. 4. The index—this is a steel rod, extending downward from the centre of the beam, being the best place for it. 5. A weight fixed upon the index rod, so as to be made to slide easily up and down; the object of this is, to raise or depress the centre of gravity of the beam, which centre of gravity should always be below the centre of motion, and the nearer it is raised to it, the more sensible will the balance be. At the same time, however, the time required for weighing, will be longer in proportion as the sensibility of the balance is increased in this way—this sliding weight is on the best plan for producing the above mentioned change, the convenience of having it in our power to make which, will be evident. 6. A very *useful* contrivance in this balance is a lever pallet, immediately below the index rod, one end of which being depressed, the other is pressed against the end of said rod, and thus checks the vibrations of the beam; by this, the process of weighing is much expedited. The beam is supported in such a manner that the centre edges do not rest upon their platforms, excepting when the balance is actually in use, as otherwise they would be liable to injury. It is necessary, therefore, to raise the platforms upon which the centre edges are to rest, when in action; for this purpose there is a lever apparatus at the base of the balance, by which this is easily done, even when the balance is much loaded. The weights to accompany these balances were highly polished and very accurate, and the balances, when loaded with them, were found to be very delicate.

The Committee examined a balance at the manufactory of Mr. Plympton, which, when loaded with 50 lbs. at each end, was sensible to one grain, being $\frac{1}{700,000}$ of the weight it bore. This sensibility is extremely great, balances being very rarely made so delicate. This balance was made for the standard balance of the town of New Bedford.

The Committee will only add, that they were perfectly satisfied with all the above mentioned points, and that they believe these to be the best balances of the kind in use in this country, either of foreign or American manufacture. They have been long known and fully tested, and the manufacturer deserves high commendation for bringing so difficult an art to so great a degree of perfection.

A Silver Medal.

1006. Truman Cook, *New York.* Several models of Electro-Magnetic Machines. These machines were removed before examination by the judges.

944. Dr. Page, *Salem, Mass.* 5 models of Electro-Magnetic Machine. In this machine there is an attempt to apply the power of the electro-magnet in such a manner as to propel machinery. The science of electro-magnetism is new, the real discovery of the magnetic properties of an electric current having been discovered in 1819 by M. Versted, of Copenhagen—and the great magnetic power of bars of soft iron while galvanic currents are circulating around them, was not discovered until within ten years. Prof. Henry, of this country, has much of the merit of having by his discoveries greatly increased the power of these magnets; one made by him and Dr. Ten Eyck, of Albany, of a horse-shoe form, and weighing 59 1-2 lbs, when excited by a battery containing only two fifths of a square foot of zinc surface, supported 500 lbs.; and when the battery was increased to contain 4 7-9 square feet of zinc surface, it supported over 2000 lbs.; it was not strange, therefore, that the attention of machinists was soon called to the electro-magnet, as a probable source of power for propelling machinery But, in adapting this power to this end, there are many difficulties to be overcome, and there is much to be contrived,—all which is very evident to those conversant with these subjects.

As might have been expected, the apparatus of Dr. Page was not in a perfect enough condition, to enable the Committee to decide upon its applicability to the desired purpose. They would state, however, that there is no fact known, why this power may not be applied as a moving one for machinery; and they think Dr. Page to be deserving of great commendation for pursuing investigations, the conclusion of which would be of so great public benefit.

236. Clark Brown, *Boston.* Cigars, and fine cut Tobacco.

964. Dr. Dewar, *Boston.* Instruments for filling teeth.

1010. O. Farwell, *Boston.* A brass Speaking Trumpet.

1051. S. Hills, *Plymouth, Vt.* Marble slabs, as specimens of Vermont marble—of finer grain than is usual in American marbles.

HATS, CAPS, FURS, UMBRELLAS AND WALKING STICKS.

Daniel Messinger, Frederick Lane,
Robert Bacon, George Bass,
James Boyd, *Judges.*

Hats were exhibited from eight different manufacturers, and some of these offered three or four different kinds of hat. The Committee, therefore, thought it best to judge of each kind or denomination by itself, believing that there is quite as much merit in making a good low priced article from coarse materials, as in making a *fine* high cost one from fine material.

Of those known as "fine bodies, beaver napp'd," and also "extra plain hat," they adjudge in each the best to be of No. 191, made by BENT & BUSH, *Lowell, Mass.* *A Silver Medal.*

Of those known as "Saxony body, beaver napp'd," "military hat, beaver napp'd," "military silk hat," and "Saxony body, nutria napp'd," they adjudge the best in each to be of No. 809, made by W. N. Fisher, *Boston.* *A Silver Medal.*

Of "silk hats," they adjudge the best to be of No. 448, made by HENRY BAILEY, *Boston.* *A Silver Medal.*

Of No. 231, by J. DANIELS, *West Roxbury*, Mass.,
305, by S. W. OLNEY, *Boston*,
674, by P. & W. MURRAY, *Boston*,
753, by PECK & Co., *Boston*, and
870, by S. & A. H. RHOADES, *Boston*, the Committee take pleasure in speaking in terms of commendation. They were all well made, and creditable to the manufacturers, and many of them, compared with the general run of hats, might have been classed as No. 1.

No. 837. Of Felting, there was but one specimen exhibited, made by ROBERT BACON & SON, *Boston*, the quality of which the Committee adjudge to be very superior.

No. 818. Hat Boxes; made by MARK WORTHLY, *Boston.* For military and round hats. An improved and excellent article.

Of Otter Caps there were specimens from six different manufacturers. The great beauty of the coloring and finish of the fur, and the general neatness of the workmanship in fitting up the caps, shew to what great perfection this branch of manufacture has been brought within a very few years. The most inferior of these specimens, if shewn by itself, would be considered a very fine cap; but some points of excellence enabled the Committee to adjudge one of No. 216, made by J. PRESCOTT & SONS, *Boston*, as the best *extra* superior. *A Silver Medal.*

No. 1071, made by ORREL TOWLE, *Boston*, next best—superior.
654, made by POLLARD & BARRY, *Boston*,
587, made by A. DEXTER, *Boston*, *(A Diploma,)*
1039, made by C. HODGES, *Boston*,
996, made by C. HODGES, *Boston*, and
753, made by PECK & Co., *Boston*; all these they adjudge to take comparatively the same precedence in quality in which they are above arranged.

Of Nutria Caps, there was but one lot—No. 216, by J. PRESCOTT & SONS. The workmanship very good. The color and finish of the fur, very superior.

Dressed Fur Skins, the coloring and finish of which were very superior. The same general remarks made on the caps, apply of course to the skins,

and further, the very great perfection to which we find the dressing and coloring of Nutria Skins to have been brought, entitle the manufacturers to special notice. Not many years ago, this fur was almost valueless; now it is dressed to look nearly as well as a fine fur seal skin.

Otter Skins. They rank in quality comparatively as arranged.

No. 216. J. Prescott & Sons, *Boston.* 12 skins. Extra superior.

1038. S. Lewis, *Boston.* 6 skins.

996. C. Hodges, *Boston.* 1 skin.

753. Peck & Co., *Boston.* 1 skin.

No. 216. Nutria Skins. J. Prescott & Sons, *Boston.* 12 skins.

No. 1038. S. Lewis, *Boston.* 9 skins. *A Diploma.*

In judging of the finish of these Nutria Skins, the Committee think no preference can be given. The one lot was equally beautiful as the other.

587. A. Dexter, *Boston.* 1 black Pelerine; 1 black Victoria; 2 Fitch Muffs; 1 Fitch Cape.

872. Charles Woodman, *Boston.* 12 boys' Caps, of various patterns—made of cloth.

475. J. E. Hardy, *Boston.* Six *white* fox skins, undressed; very beautiful fur, but whether of American growth or not is not known.

UMBRELLAS.

349. Bates & Tolman, *Boston.* Best quality. *A Silver Medal.*

442. Binney & Ellis, *Boston.* Next best. *A Diploma.*

863. J. Lilley, *Boston.* Good.

WALKING STICKS.

581. H. Prentiss, *Boston.* Best quality. *A Diploma.*

411. E. H. Wade, *Boston.* Next best.

349. Bates & Tolman, *Boston.*

442. Binney & Ellis, *Boston.*

848. George Wheelwright, *Boston.*

863. J. Lilley, *Boston.*

384. J. W. Osgood, *Boston.*

191. Bent & Bush, *Lowell, Mass.* A model, hatters' planking kettle. An improved plan for saving fuel, well worthy the attention of manufacturers.

313. J. P. Kettell, *Worcester, Mass.* Machine for stiffening hats. A well approved article.

306. C. & G. C. Pierce, *Salem, Mass.* Sheepskin Mats—good fleece and colors.

PRINTING, TYPE, STEREOTYPE, HAND AND POWER PRINTING PRESSES, AND PRINTING AND WRITING PAPER.

URIEL CROCKER, DAVID FRANCIS,
THOMAS EDMANDS, *Judges.*

15. ELIPHALET SMITH, *Quincy, Mass.* Model of a Standing Press. This press was out of gear. No decision was made.

68. KIDDER & WRIGHT, *Boston.* Music Books. Well executed on good paper.

69. J. MAXWELL, *New York.* A convenient Press for small work and card printing.

91. BENJAMIN DEARBORN, *Boston.* Perpetual Diary.

183. T. O. BRACKET, *Boston.* Stencil Specimens and Brushes. A very convenient and useful assistant for marking.

233. O. BREWER, *Boston.* Specimens of Printing. Beautifully executed, exhibiting great taste.

262. W. MCKINSTRY, *Springfield, Mass.* Inking machine, not being in working order, it was impossible to decide accurately on its merits.

269. MARDEN & KIMBALL, *Boston.* Typographical Specimen.

454. S. H. PARKER, *Boston.* Two sets of Waverley Novels. These twenty-seven volumes are in a convenient size, on good paper and fair type, and, considering the great number of volumes, very uniformly printed.

469. E. ALLEN, *New York.* Specimens of wooden Type. These types are very neat and handsome, and for all job work are light in using, and economical in cost. *A Diploma.*

473. BOSTON TYPE FOUNDRY. Two cases of Type, and one Table and Furnace for casting type. The specimen of type from this Foundry exhibited a great variety, and for beauty of face and durability of metal, merits high commendation, particularly the stereotype plates. *A Silver Medal.*

481. I. R. BUTTS, *Boston.* Specimen of Mathematical Printing. This is one volume of the Mécanique Céleste; and, in view of its size, difficulty of composition, and evenness of printing, has a superior claim among American publications. *A Silver Medal.*

302. C. SHEPARD, *Unionville, Mass.* Eight reams Printing Paper. The texture of this paper was fine and beautiful. It was the only sample exhibited. *A Diploma.*

553. HILLIARD, GRAY & Co., *Boston.* Shakspeare, 7 vols.; Milton, 2 vols.—specimen of books publishing. These volumes are published in a handsome style, on large type and good paper.

579. THE INSTITUTION FOR THE BLIND, *Boston.* Four Books, specimen printing, for the use of the blind. These works are executed under the di-

rection of Dr. Howe, who has so far improved upon the European system, as to give the same amount of matter in one third the space. They are superior specimens of embossed or raised printing, the impression being beautiful and unrivalled. *A Silver Medal.*

648. Russell Hubbard, *Norwich Ct.* Two reams Letter Paper, well manufactured. No other sample was exhibited. *A Diploma.*

687. The University Press, *Cambridge, Mass.* Six Books—the lives of Washington and Franklin were good specimens of Printing.

766. A. Bowen, *Boston.* Congreve Printing Press and Plates. This press merits particular notice. It is very ingenious, and as a quick method of giving a peculiar beauty to job work, and preventing counterfeits, is a valuable machine. *A Diploma.*

841. T. Ditson & Co., *Boston.* Printing Press. A neat piece of work, containing an improvement for regulating the rounce.

891. American Stationers Company, *Boston.* Specimens of Juvenile Publications.

925. Dutton & Wentworth, *Boston.* Glass case of Books. The Specimen Book of the Boston Type Foundry was the best specimen of Job Work exhibited. Dutton & Wentworth also exhibited fine specimens of Blanks, Circulars, a frame of Cards, and many samples of good Book Printing. *A Silver Medal.*

1018. I. R. Butts, *Boston.* Frame of Cards—well executed.

1020. Mudge & Dexter, *Boston.* Frame of Cards—well executed.

1029. H. Willis, *Boston.* Three books of Specimens of Type; affording a great variety, of the various sizes, of good taste and handsome cut.

1037. I. C. Pray, Jr., *Boston.* The Boston Pearl; showing an advance in newspaper printing.

1026. W. W. Clapp, *Boston.* Blanks, Circulars, &c. Fair specimens, exhibiting a variety of style.

S. N. Dickinson, *Boston.* Help to Printers, an original work of immense labor, well executed, and of great convenience and importance to the trade, for which the author is entitled to high commendation. *A Diploma.*

928. Perkins & Marvin, *Boston.* Books—excellent specimens of typography.

BOOK BINDING, BINDERS' TOOLS, AND BLANK BOOKS.

John G. Roberts, Henry F. McGee,
Samuel H. Parker, Andrew Gorham,
Charles Simpson, Jr. *Judges.*

927. Charles A. Wells, *Boston.* Specimens of Binding of printed

books—costly, elegant and strong; showing the workmanship of a finished master of the art. *A Silver Medal.*

718. J. W. Balch, *Boston*, (a journeyman.) A copy of Shakspeare—highly finished, tasteful, and substantial work. *A Diploma.*

187. W. A. Wells, *Boston.* Several books—capital Binding, highly creditable to the workman. *A Diploma.*

366. J. H. Butler, *Northampton, Mass.*, [for his apprentice, Childs, aged 18 years.] Copies of the bible—a fine specimen of Binding, closely imitating imported work in the same line.

679. B. Bradley, *Boston.* Cloth Binding—rare and superior specimens, durably bound, and neatly and elegantly ornamented in gilt. They are highly worthy of commendation. *A Diploma.*

656. B. Loring & Co., *Boston.* Blank Books—the ruling is superior to any thing witnessed, and the binding is of the best quality, for strength and neatness. *A Silver Medal.*

365. J. P. Fairbanks, *Boston.* Blank Books, of a superior quality, and little if at all inferior to the last mentioned, so far as respects the binding. *A Diploma.*

292. T. Groom, *Boston.* Blank Books—good specimens of blank work.

558. David Felt & Co., *New York.* Specimens of laborious and diligent work; but, in the opinion of the Committee, too highly ornamented in the exterior for the counting room, though showing great ability in the artizan. *A Diploma.*

927. Charles A. Wells, *Boston.* A pair of binder's Shears, of a new construction, of great utility among the craft, facilitating the operation of board-cutting, and meeting with the highest approbation. *A Diploma.*

1045. Gaskill & Hopper, *Philadelphia.* Ornamenting Tools, in brass, engraved and cut with great ability. Such tools are in much demand, and deserve commendation. *A Diploma.*

528. S. C. & E. Mann, *Dedham, Mass.* Various specimens of Marble Paper, showing a wonderful improvement in the art, both in the common form of patterns, and in some very difficult imitations of stones, marbles and wood. They should be highly appreciated. *A Silver Medal.*

90. William Monroe, *Concord, Mass.* Lead Pencils and points for cases, of an excellent quality, of various degrees of hardness, according to the use required, and deserving approbation. *A Diploma.*

308. J. Thoreau, *Concord, Mass.* Lead Pencils, well made—good specimens of the article.

CABINET WORK AND FANCY BOXES.

BENJAMIN LAMSON, SAMUEL BEALS,
EBEN'R TAPPAN, JR., WM. GRIDLEY,
HENRY R. HANCOCK, NATHANIEL BRYANT, *Judges.*

690. STEPHEN SMITH, *Boston.* Revolving Centre Table—first quality work and wood. This table has a cabinet of drawers and closets fixed to the top; the peculiar combination is of original design, and appears to be of great utility and convenience. The cabinet may be easily removed and replaced if desired. *A Silver Medal.*

869. ISAAC S. CARTER, *Boston.* Black walnut Secretary, French pattern—superior wood and work. Also, a black walnut Work Table—first quality. *A Silver Medal.*

66. F. J. HAZLEWOOD, *Boston.* Two black walnut Centre Table Frames, and two mahogany Centre Table Frames—first quality.

459 and 697. S. HAZLEWOOD, *Roxbury, Mass.* Four Single and two Arm Chairs of black walnut, and twelve mahogany Chairs, French pattern—all of the first quality; also two black walnut Pier Table Frames—of the second quality. *A Silver Medal.*

132. J. C. HUBBARD, *Boston.* Six imitation rose wood fancy Chairs; six drab fancy Chairs—of the first quality; six wood bottom Chairs—of the second quality; and one Locomotive Chair—economical and useful. *A Diploma.*

758. WATSON & BISBEE, *Boston.* Mahogany Stand of turned work, and lot of Wood Knobs—first quality.

404. WM. E. BROWN, *Boston.* Two turned Stair Posts—of first quality.

WM. FISK, *Boston.* Four Portable Desks of rose wood—first quality. *A Diploma.*

865. J. CHICKERING, *Boston.* Rose wood Work Box—first quality.

864. By a blind man—name unknown. Work Box of satin and other wood—first quality. *A Diploma.*

816. E. CHERRINGTON, *Boston.* Patent Spring Mattress and Press Bedstead. This bedstead, with the springs and mattress attached to it, can be let down from the press with great ease by one person, and in a few minutes made into a genteel bed; it is an entire new invention, by Mr. Cherrington, and combines many advantages, particularly to those who wish to repose on a soft, elastic bed. The springs are ingeniously constructed, and fitted to the bedstead so close, that no hiding place can be found for insects; the press to hold the bed can be in the form of a wardrobe, or any other piece of high furniture, to suit the fancy. *A Silver Medal.*

76. J. MELVILLE, *Boston.* Patent Shifting Easy Chair. This chair is particularly designed to benefit the invalid; it may be used as an ordinary rocking chair, and by its peculiar construction is easily altered so as to rock

sideways, and may also be formed into a comfortable couch; two slides are fitted to the front to rest the legs upon, one or both of which may be drawn out in a horizontal or sloping position. The different changes of this chair are made with despatch. *A Diploma.*

383. James Sharp, *Boston.* Patent Bootjack—ingenious, and useful for drawing off the boot.

843. Seth Luther, *Boston.* Alleviating Writing Desk—is an improvement much desired; by simply turning a crank, the desk may be raised or lowered to suit the convenience of persons writing, either setting or standing, and still remains firm, as though it had not been altered *A Diploma.*

279. J. R. Foster, *Boston.* Patent Hospital and Domestic Bed. This bed is one of the most useful and convenient articles for the sick the Committee has ever seen. The bedstead, together with the bed, can be put into any position that a sick person can desire. It has every convenience to relieve the sick that can be well attached to a bed. The machinery fitted, is very simple· works easy, and is quite compact. *A Silver Medal.*

20. Charles C. Hellison, *Boston.* Mahogany Work Box. This box is of perfect workmanship in all its parts. The arrangement of plan, work and wood are complete, and it is one of the best specimens of cabinet work that ever fell under the observation of the Committee. The mahogany, also, is very superior. *A Silver Medal.*

49. A Pupil of the Institution for the Blind, *Boston.* Mahogany Work Box—arrangement good, and excellent workmanship. *A Diploma.*

895. Russell Drake, *Northborough, Mass.* Lot of Wooden Spoons, carved with a shoe knife—very complete.

855. Wm. R. Carnes, *Boston.* Two large mahogany Wardrobes. Much labor has been bestowed on these wardrobes, and the display of wood and work is magnificent. The workmanship of the fronts is of the first quality, and does credit to the manufacturer. The inside work, in all its parts, does not compare with the outside. *A Silver Medal.*

640. William Sansford, *Natick, Mass.* Mahogany Centre Table. The top is of first quality work and wood, the frame second quality. The top of this table consists of 472 pieces of elegant mahogany, carefully matched, and inlaid with great precision and good taste; the joints are good, and the surface smooth and well polished. *A Diploma.*

854. John P. Allen, *Manchester. Mass.* Ladies mahogany Wardrobe, French pattern—superior wood—work second quality.

813. James Paul, *Boston.* Four black walnut Chairs—of the first quality, and two mahogany Chairs—of the second quality. *A Diploma.*

221. C. K. Holst, *Boston.* Mahogany Centre Table—first quality, and mahogany oval Work Table—of second quality work, but first quality wood —well arranged, convenient, and the plan somewhat original. Also, a Side-

board Dressing Table, a black stained Pier Table Frame, and a black walnut Work Table—all of the second quality.

37. Oliver Hall, *Dorchester, Mass.* Mahogany Bureau—second quality work—first quality wood.

862. J. H. Wingate, *Charlestown, Mass.* Medicine Chest—second quality—ingenious and useful in contrivance.

752 and 625. L. Gardner, *Charlestown, Mass.* Large mahogany Wardrobe—the wood and part of the work of the first quality, and well arranged; a Secretary and a Miniature Secretary—of the second quality; also a large Bedstead, New Orleans pattern—second quality; the cornine alone is first quality work and wood; the whole shows to advantage.

272. T. Rundle, *Boston.* Mahogany Refrigerator—a good, substantial piece of work, and does credit to the maker.

141. C. Fessenden, *Lynn, Mass.* Pier Glass Frame—first quality.

776. W. T. Allen, *Boston.* Six imitation rose wood cane seat Chairs.

970. J. Adams, *Boston.* Three Music Seats.

871. J. Doggett & Co., *Boston.* Psyche Glass rose wood Frame, and a rose wood Toilet Glass.

1025. G. W. Loud, *Boston.* Mahogany Centre Work Table; this table has many convenient and useful improvements—the wood is of the first quality.

567. J. Hunnewell, *Charlestown, Mass.* Mahogany Work Box.

339. J. H. Blackman, *Dorchester, Mass.* Mahogany Work Box.

804. H. Boardman, *Boston.* Fire Screen Frame.

914. T. Gilbert & Co., *Boston.* Rose wood Music Seats.

438. Kittredge & Blake, *Boston.* Pair of double Foot stools, and a marble top Toilet Table.

472. S. Blanchard, *Cambridge, Mass.* Counting Room Secretary.

225 and 374. J. Burt, *Dorchester, Mass.* Two mahogany Secretaries, French pattern; three pairs mahogany Card Tables; and a pair black walnut Card Tables.

517. Samuel Hatch, *Boston.* Secretary and Book Case—third quality.

427. S. F. Parsons, *Manchester, Mass.* Two mahogany Sideboards, marble tops—the mahogany is of the first quality, and well arranged.

253. S. C. & E. Mann, *Dedham, Mass.* Six imitation rose wood Chairs.

696. S. L. Hobart, *Hingham, Mass.* Secretary Work Table.

852. H. Sweetser, *Charlestown, Mass.* Mahogany Bureau.

747. T. Smallwood, *Newton, Mass.* Sofas and Rocking Chairs.

278. Bartlett Adams, *Boston.* Two mahogany Music Seats.

772. S. C. & E. Mann, *Dedham, Mass.* Pair imitation rose wood Tabourets, an imitation rose wood Work Box, and a pair imitation rose wood Glass Frames.

608. E. Brigham, *Boston.* Mahogany French Bedstead, elevating bottom —third quality; the elevating bottom, by further improvement, may be made useful.

813. James Paul, *Boston.* Two Music Seats.

871. (Name not known.) Self-acting Lolling Chair—a very convenient article.

853. L. C. Faber, *Boston.* Bachelor's Cradle, improved spring rockers. This is a very valuable improvement. The cradle rocks on bases attached to it, and thereby saves the floor or carpet from injury. The extra expense from the common cradle is one dollar and fifty cents.

133. Charles Pope, *Boston.* Oak Flower Vase.

362. Noah Butts, *Charlestown, Mass.* Two Vases, made from timber of the Frigate Constitution.

838. E. Weston, *Boston.* Lignumvitæ Order Box—first quality.

839. Howes Crowell, *Boston,* Twine Box—first quality—from the turning shop of J. L. Ross, Boston, by an apprentice 18 years old.

859. J. E. Andrews, *Boston.* Vase Work Box—first quality.

57. E. W. Upton, *Danvers, Mass.* Glue—good quality.

1086. J. G. Brown, *Boston.* A Bow and Quiver of Arrows—very beautifully and accurately made.

916. Brown & Hallett, *Boston.* Three Piano-forte Cases.

903. J. Chickering & Co,, *Boston.* Seven Piano-forte Cases.

914. T. Gilbert & Co., *Boston.* Five Piano-forte Cases.

414. Wilkins & Newhall, *Boston.* Two Piano-forte Cases.

It is extremely difficult to make a distinction in the Piano-forte Cases, where the whole are *superior;* after a careful examination, we have concluded, that No. 7, J. Chickering & Co., and No. 1, Brown & Hallett, are entitled to the preference, with particular reference to the varnishing, and finish generally.

Your Committee found many articles embraced in this report, of second and third quality. Any attempt to remark on work of that description, without some improvement in usefulness or style beyond the common order, was not thought advisable.

CARRIAGES, CHAISES, TRUNKS, SADDLES, HARNESSES, BRIDLES, MILITARY HORSE EQUIPMENTS, AND WHIPS.

JOHN RAYNER, HENRY H. BARTON,
WILLIAM REED, WILLIAM FORBES,
JAMES K. FROTHINGHAM, CHARLES LYON,
JOHN SHELTON, *Judges.*

683. KELLOGG & CLARK, *Boston.* A Chaise Harness, black mounted, in stock and workmanship superior. *A Silver Medal.*

175. J. ROLFE, *Portland, Me.* A Chaise Harness, black and brass mounted, very good workmanship and stock.

397. CHARLES MCBURNEY, *Boston.* A Chaise Harness, brass and black mounted—good work and stock.

397. CHARLES MCBURNEY, *Boston.* A Coach Harness, very good stock and workmanship. *A Silver Medal.*

522. REUBEN READ, *Boston.* A Chaise Harness, brass mounted—strong and good.

879. JAMES BOYD, *Boston.* A gentleman's Riding Saddle, fine work, very good stock, and a very neat article.

880 and 881. JAMES BOYD, *Boston.* One lady's Riding Saddle, a good article; and one with a rail, black and fancifully wrought—a good showy article.

882 and 883. JAMES BOYD, *Boston.* Two coverings for saddles; one a military covering, fancifully wrought, neat and well made.

886 and 887. JAMES BOYD, *Boston.* A black Valise, with Aiken's patent lock; a Saddle Bag, and a russet travelling Case, fastened in a new manner, with a lock passing six bolts, instead of the padlock and wire. *A Silver Medal.*

817. J. B. BAKER, *Boston.* A gentleman's Riding Saddle, a very good article in stock and work.

397. CHARLES MCBURNEY, *Boston.* A gentleman's Riding Saddle, a very good article—very little inferior to the best.

817. J. B. BAKER, *Boston.* A lady's Riding Saddle, well made, of good stock, and neat finish. *A Diploma.*

397. CHARLES MCBURNEY, *Boston.* A lady's Riding Saddle, good in work and stock.

621. J. S. READ, *Boston.* A full set of Military Horse Equipments, in good style and workmanship, deserving to be termed superior. *A Diploma.*

848. GEORGE WHEELWRIGHT, *Boston.* Gig Whips, very fine—one superior, gold studded.

583. MALENDY & DAVID, *Amherst, N. H.* Gig, Carriage and Twig

Whips; a large and very fine assortment, superior for number and variety, and some elegant. *A Diploma.*

817. J. B. Baker, *Boston.* One Gig Whip, very fine, of ivory and tortoise shell, with gold studs.

319. J. M. W. Hawley, *Barre, Vt.* One elegant, shifting-screw Whip Stock.

615. E. Brigham, *Boston.* Two shifting-stock Whips, handsomely finished, silver trimmed and studded.

919. Cutter & Stevens, *Claremont, N. H.* An extension-top Barouch, a very neat and tasty article, with a hammer cloth seat. *A Silver Medal.*

938. H. K. Bailey, *Boston.* A Coach, from the Amherst Carriage Factory, Mass., of good finish and style; fully trimmed with watered silk, padded, and with hammer cloth seat.

955. Walter Frost, *Boston.* A good Coach. *A Silver Medal.*

922. T. J. Ogden, *Boston.* A good Coach.

955. Walter Frost, *Boston* A Chaise, very neat, light and plain, well finished—black, with a light drab lining; and a very good C spring Chaise, of similar quality and finish.

956. Goddard & Dennis, *Boston.* A Chaise, of very similar quality and finish to the last named. *A Diploma.*

922. J. T. Ogden, *Boston.* A C spring Chaise.

937. E. Tucker, *Cambridge, Mass.* A wooden C spring Chaise, hung on horizontal steel springs.

951. G. Coolidge, *Cambridgeport, Mass.* One Buggy Wagon, on elliptic springs.

39. J. L. Cunningham, *Boston.*
94. Joshua Holden, "
546. C. Bruce, "

The three last contributions were Carriages for children.

760. E. G. Roulstone, *Boston.* A black brass trimmed Travelling Trunk—a very good article. The above named maker produced this trunk, as an apprentice at the age of nineteen, after working but one year at the business. *A Diploma.*

276. Charles Matchett, *Boston.* One russet, double travelling Trunk, a superior article, of expensive finish.

832. A. Carey, *Pittsfield, Mass.* Four black, travelling double Trunks, very good well finished articles—iron clamped, copper rivited, and the hinge extending the length of the trunk.

51. Washington Sweetser, *Portsmouth, N. H.* One russet and one black travelling double Trunks, brass mounted—very good articles. One is called fire proof, being made with wooden frame covered with tin between the wood and leather.

820. G. Derric, *New York.* A russet travelling Trunk, iron and brass mounted—a good article.

999. Robert Burr, *Boston.* Four travelling Trunks—very good.

784. A. E. Whittemore, *Roxbury, Mass.* One pair of steel Elliptic Springs, very neatly finished. *A Diploma.*

918. D. Edwards, *Boston.* One pair steel Elliptic Springs.

846. John Tuttle, *Boston.* Three pairs and one set of steel Elliptic Springs.

544. Martin Wilder, *Boston.* Two sets of steel Coach Springs, good.

391. D. A. Edwards, *Dedham, Mass.* One set steel Coach Springs, good.

973. G. Dunn, *Newark, N. J.* A lot of coach, buggy, sulkey, &c. Railings and Dasher Irons—wrought iron work of superior quality, deserving particular notice. *A Silver Medal.*

719. Brigham & Slade, *Boston.* One pair of Chaise Wheels.

93. Hayward & Humphries, *Woburn, Mass.* India Rubber Cloth, for the covering of carriages—several samples, and very good.

46. William O. Hollis, *Brighton, Mass.* Specimens of Whip Gut.

CARPENTERS' WORK.

Charles Leighton, Melzar Dunbar,
Ephraim Marsh, *Judges.*

844. Thomas Boyd, *Boston.* A Door, containing six pannels, well proportioned, veneered with rose wood. A good degree of taste is exhibited by the maker in matching the veneers, and in the execution of the work. The beauty of the work and brilliancy of polish can hardly be exceeded. The maker is entitled to high commendation for his taste and skill in the manufacture, being the first of the kind within the knowledge of the Committee. *A Silver Medal.*

1083. W. D. Clinton, *Boston.* Two mahogany Doors—fair work.

767. Isaac Towle, *Boston.* Two outside entrance Doors, of pine—good work. *A Diploma.*

159. Amariah Harnden, *Boston.* One Door, imitation of mahogany—a good specimen of painting.

230. Hugh Mossey, *Boston.* One Door to imitate maple—good.

419. Theophilus Burr, *Boston.* One small Door of native oak—fair work.

J. M. Dearborn, *Boston.* A long Door Spring—a useful article.

HARD WARE, CUTLERY, CARPENTERS' TOOLS, LOCKS, AND IRON AND BRASS CASTINGS.

CHARLES LEIGHTON, HENRY LORING,
TIMOTHY TILESTON, CHARLES BROOKS,
NATHANIEL HAMMOND, OTIS TUFTS,
ROBERT E. RUTHVEN, WILLIAM GREENOUGH, *Judges.*

563. DICKINSON. Chissels; Drawing Knives; Axes.

468. H. CHAPIN, *New Hartford, Conn.* Rules, of boxwood; Carpenters' Planes; Guages.

331. HOSMER & TAPPAN, *Boston.* One case box Rules; one card Wood Knobs; Hammers; one card Britannia Spoons; one Balance; one improved Spirit Level; Hatchets; and one case of steel Instruments.

436. JOSEPH WINN, *Cambridge, Mass.* One card box Rules.

556. L. D. WATTS, *East Cambridge, Mass.* Three box Rules—of the first quality.

532. L. T. POPE, *Boston.* One ebony Grooving Plough.

109. JOSEPH WATTS, *Boston.* Six box Rules.

735. GARDNER & MURDOCK, *Boston.* One boxwood Grooving Plough—very superior; Carpenters' Planes, of different kinds.

407. HILLS & WINSHIP, *Springfield, Mass.* Moulding and Bench Planes a great variety, of the best quality. *A Diploma.*

79. JOHN HAYS, *Boston.* A Machine for turning wood.

56. RUFUS HOSMER, *Concord, Mass.* Patent Blind Fastenings. A new invention; this, however, needs experience to test its utility.

272. THOS. RUNDLE, *Boston.* Drawing Squares.

195. H. CORTHELL, *Boston.* Drawing Squares.

786. J. S. SAVAGE, *Boston.* Tinmen's Anvils, and Coppersmiths' Hammers. These articles are of the first rate quality, and will doubtless take the place of the imported. Such manufactures need only to be seen to be encouraged. *A Silver Medal.*

551. ADAMS & HAMMOND, *Bostor.* Patent Stone Hammer; Dearborn's patent Blind Fasts—a good invention, and much used; Hall & Chase's patent Shutter Fastenings—a very secure and useful contrivance, which merits patronage; Stone Hammers.

111. THOMAS W. LYON, *Northborough, Mass.* One Screw Plate; One Bit Stock; Tooth Extractor; Drill Stock; and Tailors' Shears. *A Diploma.*

587. EDWARD IVERS, *South Boston, Mass.* Cinder Sifters.

289. B. R. HARWOOD, *Boston.* Two machines for cutting wooden screws —very good machines.

60. Ira L. Beckwith, *Quincy, Mass.* Patent Spoke Shaves—the improvement is unquestionably good—far better than the imported.

A Diploma.

254. Rice & Hunt, *Boston.* Carpenters' Clamps, and Curriers' Pincers very useful, and well made.

401. Zenas Crocker, *Bridgewater, Mass.* One box of Mortise Locks.

688. Gillum Barnes, *Boston.* One card patent Mortice Locks.

691. Daniel Bisbee, *Kingston, Mass.* Carpenters' Screw Augers.

489. P. F. Dodge, *West Cambridge, Mass.* Wooden Door Knobs.

201. ——. Washburn, *Worcester, Mass.* Two boxes of Iron Wire—equal to any we have seen, imported or otherwise. *A Silver Medal.*

759. Herrick Akin, *Dracut, Mass.* One case of Saw Sets and other useful inventions. The greater part of Mr. Akin's tools have been long in use, and have approved themselves to the various mechanics who have used them. They must long hold a high rank. *A Silver Medal.*

808. Canton Hard Ware Company, *Canton, Mass.* Two Blade Pocket Knives; Bit Stocks; Masons' Trowels—of the best quality; Mincing Knives; Screw Drivers; Compasses and Calipers; Plane Irons; Screw and Die Plates; Cutting Pincers, with moveable jaws—a very good and convenient article; Spring Punches; Tooth Keys—first quality and finish; Plastering Trowels; twelve Hoes—most excellently made; one Hammer; and a Saw Plate. *A Silver Medal.*

968. Joshua Brewster, *Boston.* Iron Horse Shoes.

129. Chas. Babbit, *Taunton, Mass.* One card patent Screw Drills—a first rate article, and well made.

258. J. P. Fessenden, *Boston.* One card block tin Liquor Cocks—very good.

512. John Ames, *Easton, Mass.* One card Butcher Knives.

836. Poughkeepsie Screw Company, *Poughkeepsie, N. Y.*, Charles Starn, Agent. Fifty groce and one card of Wood Screws. These screws are certainly the most perfect and beautifully wrought we have ever seen, both as to shape and finish; and must take precedence over all others.

A Gold Medal.

207. Joseph J. Lewis, *Williamsburg, Mass.* Screw Augers, Screw Bits and iron Braces.

984. J. Sawyer, *Boston.* One patent Currier's Knife—a valuable improvement—worthy the notice of curriers.

627. Douglass Axe Manufacturing Company, Charles Scudder, Boston, Agent. Axes, Hatchets and Adzes. This Company's manufactures have always sustained a high character; and these beautiful samples of their skill confirm the opinion heretofore entertained. *A Silver Medal.*

127. J. & F. Underhill & Co., *Chester, N. H.* Carpenters Chissels, Axes, Adzes, Drawing Knives and Hatchets. The Committee could perceive but little difference between the workmanship of this lot, and that of lot 627, by the Douglass Co. *A Silver Medal.*

633. Corthell & Davis, *Boston.* One iron block Plane—this appears designed to answer a good purpose.

1030. A. G. Mossman, *Springfield, Mass.* One card of tools, partly miniature—very beautiful, showing a thorough understanding of producing an elegant polish and complete finish. *A Diploma.*

1047. Stephen Emerson, *Portland, Me.* Iron Horse Shoes—shaped and made in the best manner.

692. G. H. Gray & Co, *Boston,* Agents. A variety of Hard Wares, by different manufacturers, as follows:

One card Drawing Knives, Hammers, Compasses, Spring Dividers, Punches, Saw Sets, Pruning Shears and Knife, Screw Drivers—all of superior workmanship. By S. C. Bemis, *Springfield. Mass.* *A Silver Medal.*

One card of Screw Augers. By D. Bassett, *Derby, Conn.*

Patent Escutcheon Latches and Locks—a valuable improvement, and well manufactured. By Blake, Brother & Co., *Newhaven, Conn.* *A Diploma.*

Chissels, Hatchets, Axes, Butcher Knives, wood and ivory-handled Table Cutlery—all of good manufacture, and worthy of patronage. By J. Russell & Co, *Greenfield, Mass.* *A Diploma.*

Skates—of good manufacture, and deserving notice. By N. C. Sandford, *Meriden, Conn.* *A Diploma.*

Brass and Copper Wire —worthy of patronage, being handsome and well finished. By Timo. Corcoran, *Waterbury, Conn.* *A Diploma.*

Patent Tavern Coffee Mill. By Charles W. Peckham.

Corn Mill, Coffee Mill, Bolt-drawing Machine, Jack and Music Stool Screws, Carpenters' Clamps. By Increase Wilson, *New London, Conn.*

Patent Blind and Angle Sash Springs—experience has fully established the value of this article. By Jona. Bacon, *Bedford, Mass.* *A Diploma.*

Japanned Norfolk Latches—very much in use, and will doubtless supersede the imported article entirely. By Isbell, Curtis & Co., *Meriden, Conn.* *A Diploma.*

One card Gimlets. By Pomeroy & Hall, *Wallingford, Conn.*

One card of Razor Strops. By James Emerson, Jr., *South Reading, Mass.*

Patent Blind Fasts. By M. M. Isbell & Co, *Westville, Conn.*

Stock Locks; these locks look well. by Stanley Woodruff & Co., *New Britain, Conn.*

Patent wrought brass Butts—have been used for some time, and are much approved. By Scovill & Buckingham, *Waterbury. Conn.*

Grain Shovel. By S. Smith.

Brass Bolt and Sash Fastener. By Marcus Merriam, Jr., *New Haven, Conn.*

Mill Saws; Cross-cut Saws. By S. Rowland & Brother, *Philadelphia, Penn.* *A Silver Medal.*

Enamelled cast iron Hollow Ware. By John S. Smith, *Albany, N. Y.*
Sleigh Bells. By Belden & Lee, *New Britain, Conn.*

251. C. S. Gay, *Nashua, N. H.* Gay's patent Mortise Locks. These mortise locks are made in a simple manner, and upon a good principle.

183. T. O. Brackett, *Boston.* Copper Stencil Plates and Brushes.

617. Philander Washburn & Co., *Middleborough, Mass.* Shovels and Spades—of an excellent quality.

518. Oliver Ames, *Easton, Mass.* Shovels and Spades—of the first quality. *A Diploma.*

519. Asa Howard, *Easton, Mass.* Hoes.

389. J. Farwell & Co., *Fitchburg, Mass.* Two grain and grass Scythes, —excellent.

405. C. Willis, *Boston.* One Pruning Chissel; Manure Forks; Cranberry Rake; Corn Fork; Grass Shears; Fruit Gatherer; Corn Mill; Chains; Peat Spade—all good and useful farming utensils. *A Diploma.*

723. Hale & Whipple, *Millbury, Mass.* One Straw Cutter; seven grass and grain Scythes—first rate quality. *A Diploma.*

793. E. & G. Robinson, *Boston.* Patent Glass Door Knobs—a valuable improvement. *A Diploma.*

969. Wm. Denley, *Boston.* Horse Shoe.

825. Deep River Manufacturing Company, J. H. Mather, Agent. Patent Gouge Lip Auger—well made, and a valuable improvement.

323. D. Safford & Co., *Boston.* One patent Bank Lock. This lock, invented by Dr. Andrews, of New York, was the largest of the specimens exhibited. It is constructed on a new principle, and has much to recommend it to favor, as regards safety and utility. It is said to be capable of more than sixty-five thousand changes, but, unlike others mentioned, the changes are not required to be borne in mind, or upon a card, but are effected by changes made upon the key. This is considered, for various reasons, an advantage in practical use. *A Silver Medal.*

783. Adams & Hammond, *Boston.* One Bank Lock. This is a very ingenious lock, capable of a great number of changes, but little complicated, and calculated to afford every requisite security. It is said to have been tested with satisfaction by banks in this city. *A Diploma.*

295. Henry Burt, *Worcester, Mass.* One compound roll patent Bank Lock. An entirely new invention, said to be capable of changes to the number of trillions. It is a very ingeniously contrived lock, and, doubtless, a very safe one—but too complicated, under its present construction, for common practical use. The inventor has some improvements in contemplation, which perhaps may simplify it.

488. Day, Newell & Day, *New York.* One Bank Lock. In principle this resembles No. 323, but is an improvement upon it. It is capable of

many changes, effected on the key, but in a more simple and convenient manner. While it possesses, in common with the others examined, all the requisites for security, it has also the merit of superior beauty of workmanship, with convenience and simplicity in its operation, and deserves pre-eminence.

Also another Lock, without changes, which is a first rate article. For the principle of its movements and beauty of finish, it is fully equal to the last named, and is said to be much used by the banks in New York. Both these locks have a contrivance, which, at the same moment, shoots a bolt at the bottom and top of the door, which cannot be moved unless the door be first unlocked—thus affording additional security, and strengthening their claim to superiority.

Also, sixteen Locks for doors, of various kinds, among which is one of peculiar construction, called "the manifold changeable tumbler locks, with cross bolts," designed for banks, safes, &c., and is worthy of notice from the changes so readily made in both lock and key. The other locks are also very valuable, and of beautiful finish, fitted up with plated, ivory, ebony, mahogany and brass knobs—a part of them with night keys. Some very superior specimens of Bolts for doors, both polished, japanned, plated and brass. Heavy plated and brass Butt Hinges for doors; plated Fan Ventilator for parlours. All these of excellent manufacture. *A Gold Medal.*

501. N. C. Byram, *Boston.* One Store Lock. A very good lock.

663. South Boston Iron Company. Fine Fancy Castings, consisting of fancy dishes and medallions. These specimens furnish ample testimony of the progress made and making in fancy and ornamental castings. *A Diploma.*

555. T. W. J. Groves & Co., *Farmington, Ct.* Circular Saws and Pit Saws; Mill Saws, excellent; Cross-cut Saws, of the first quality; hand, back, table, compass, web, turning, felloe, patent, grafting and lopping Saws; calico printers' Webs, of steel or composition; Corset Busks; hay, straw, butchers', saddlers', leather dressers', mincing, and machine Knives; ship and cabinet Scrapers; Squares and Bevels; garden, farm and plantation Hoes; masons' Trowels, excellent; and plaistering Trowels, of the best manufacture. All these articles are finely made, with a brilliant polish, quite equal, and in most instances superior to the imported. *A Gold Medal.*

433. Obadiah Tracy, *Springfield, Mass.* One box Mechanics' Tools. This box was taken away before the Committee had finished examination.

421. Henry N. Hooper & Co., *Boston.* Ornamental Zinc Castings; Brass Castings; cabin door Hinges; Composition Spikes and Nails; Rudder Joints; German silver Butt Hinges. The butt hinges are a beautiful article. *A Silver Medal.*

New England Glass Company, *East Cambridge, Mass.* Glass Door Knobs. The best article of this kind in the hall.

1033. N. P. Ames, *Springfield, Mass.* One Carver and Fork, for his Excellency the Governor.

248. Morrill, Mossman & Blair, *Amherst, Mass.* Two Carvers and Forks—an elegant article, highly creditable to the manufacturer. *A Diploma.*

1092. W. Merritt, *Weymouth, Mass.* Hollow Auger, an ingenious invention.

1091. M. Copeland, *Hartford, Ct.* Ten Planes.

103. Daniel Read, *Boston.* One cast iron Sink, with Cist-pool; one Grater Mill, for grinding apples—a good and useful article.

166. Ira Dresser, *Saugus, Mass.* Rules.

363. G. W. Kibby, *Boston.* A specimen of covering roofs with zinc or copper.

566. Asa White, *Boston.* Lead Pipe.

154. A. D. Richmond, *New Bedford, Mass.*, by Isaac S. Tompkins, Boston. Two sets patent Candle Moulds—good and useful. *A Diploma.*

102. John A. Farrar, *Boston.* Brass Bank Money Box. The Committee did not open it—they pronounce it a puzzle.

186. A. Leman, *Boston.* One Whale Iron—merits attention of those who are engaged in the whale fishery. *A Diploma.*

3. Benjamin Thomas, *Hingham, Mass.* Patent Spikes.

664. C. Weldon, *Boston.* A watchman's Tin Rattle.

242. L. W. Blake, *Pepperell, Mass.* Steel ever-pointed Pencils.

CORDAGE AND TWINE.

Winslow Lewis, James A. White,
James Phillips, *Judges.*

38. Vincent & Brown, *Salem, Mass.* One coil Tarred Hemp, and one coil of Manilla Cord—they shew a degree of perfection, which reflects great credit upon the manufacturers. *A Diploma.*

602. J. Burton, *South Boston, Mass.* One dozen Clothes Lines, from Manilla grass, do him much credit.

591. The Boston Hemp Company, *Boston.* Two coils of Rigging.

1036. Plymouth Cordage Company, *Plymouth, Mass.* A Cable.

JELLIES AND PRESERVES.

MARTIAL DUROY, THOS. J. VINTON,
MARTIN GUY, *Judges.*

603. WM. UNDERWOOD, & Co., *Boston.* Specimens of Jellies and Jams—consisting of Red Currant Jelly—very fine; Black Currant Jelly—excellent; Gooseberry Jam, Raspberry Jam, and Strawberry Jam—all good.

287 and 803. LEWIS & HASKELL, *Boston.* Specimens of Jellies and Jams—consisting of Raspberry and Gooseberry Jam—very good; of Red Currant and Black Currant Jellies—good; and Raspberry Jelly.

HOBBY HORSES.

S. FAIRBANKS, CHARLES CRAFTS,
JOHN B. BAKER, *Judges.*

910. HENRY H. BARTON, *Boston.* The only articles under this head were three Hobby Horses by the same manufacturer. They were elegant in form and color, of just proportions, and perfect make. *A Diploma.*

NEEDLE WORK, MILLINERY GOODS, ARTIFICIAL FLOWERS.

MRS. C. A. WELLS, MRS. J. CHICKERING,
" T. BOYD, " SOPHIA LAMBERT,
" JAS. L. HOMER, " JAMES DYER,
" A. CALL, " W. R. CARNES,
" H. BAILEY, MISS UNDERWOOD,
" EDMANDS, " RAYNER, *Judges.*

1080. MISS JONES, *Medford, Mass.* One Lamp Mat, and two Cricket Covers; beautiful work. *A Diploma.*

121. MISS EMILY WISE, *Boston.* One Lamp Mat and Cricket Cover; most excellent work and taste. *A Diploma.*

1087. MISS F. COOK, *South Boston.* Two Cricket Covers.

253. MRS. A. M. STONE, *Boston.* One Ottoman.

376. MISS LOVETT, *Beverly Mass.* One flowered Lamp Mat. *A Diploma.*

161. MISS D. BAKER, *New Bedford, Mass.* One Lamp Mat. *A Diploma.*

1077. MISS FRANCES FISHER, *Boston.* One Lamp Mat.

614. MISS MARY G. STEVENS, *Boston.* Two Lamp Mats, one worked Bag, one wrought Handkerchief, one glass stand and Wax Fruit, five baskets of Fruit, and one Bead Bag. *A Silver Medal.*

296. Misses Ann and Adelaide Tufts, *Cambridge, Mass.* One pair of Astral Lamp Mats, made of old stocking yarn; one wrought Handkerchief.

743. Miss Howes, *Boston.* One pair of Lamp Stands, and eight Needle Books.

105. Miss Matilda A. Pool, *Boston.* One Lamp Stand.

120. Miss Ruth A. Knapp, *Boston.* One Astral Lamp Stand.

780. Miss Caroline Harris, *Boston.* One Lamp Mat.

684. Miss C. A. Warren, *Boston.* One Lamp Mat.

736. Miss C. Snow, *Boston.* One Lamp Mat and two small Chairs.

711. Miss G. Valentine, *Boston.* One Lamp Mat, and one pair Taboretts.

480. Miss Charlotte Guild, *Chelsea, Mass.* One Astral Lamp Mat.

479. Miss Mary Molineaux, *Chelsea, Mass.* One Astral Lamp Mat.

857. Miss I. D. Harrington, *Boston.* One Lamp Mat.

352. Miss Elizabeth R. Pray, *Boston.* One Lamp Mat.

266. I. D. Holmes, *Boston.* Two Astral Lamp Mats.

495. Miss Rice, *Boston.* Three ladies' Dress Caps.

866. Miss Munroe, *Concord, Mass.* One pair of Hand Screens, of perforated pasteboard, worked with chenille—superior work. *A Diploma.*

612. Miss Lee, *Boston.* One Screen—figure of a Saracen; very superior. *A Silver Medal.*

755. Mrs. Burrill, *Boston.* Five Fancy Articles.

804. Mrs. H. Bordman, *Boston.* One Screen. *A Diploma.*

214. Miss Mary Wright, *Boston.* One wrought Fancy Screen. *A Diploma.*

1034. Mrs. Juliet Morgan, *Hartford, Conn.* One embroidered Screen, and one Bead Reticule—very pretty. *A Diploma.*

445. Mrs. J. C. Dodge, *Attleborough, Mass.* One wrought Screen, and one Ottoman Cover. *A Diploma.*

935. Mrs. H. H. Simpson, *Boston.* One Taborett Cover. *A Diploma.*

215. Mrs. J. T. Adams, *Boston.* One Taborett Cover, three Ottomans, and three Chairs. *A Diploma.*

188. Mrs. D. C. Johnston, *Boston.* A tapestry Table Cover—a splendid article. *A Silver Medal.*

1082. Miss Curtis, *Beverly, Mass.* (twelve years of age.) One Table Cover. *A Diploma.*

439. J. T. Sargent, *Boston.* One satin Sofa Seat, and one Cushion. *A Diploma.*

494. Miss Ann G. Wells, *Boston.* One Taborett Cover.

524. Miss A. I. Hill, *Boston.* Two Seat Covers. *A Diploma.*

1101. Miss Lee, *Boston.* One Screen.

732. Miss Ashcroft, *Boston.* One Cricket Cover.

70. Miss Mary R. Fay, *Lancaster, Mass.* Two Stool Coverings.

685. Miss N. Hayward, *Boston.* Two Crickets.

828. Miss Ann M. Kingsbury, *Boston.* One Picture.

829. Miss C. A. A. Kingsbury, *Boston.* One Picture.

1014. Mrs. G. H. Hammond, *Boston.* Two Music Stools.

309. Misses H. L. and V. M. Gibbens, *Boston.* Three Ottomans.

977. Miss S. E. Adams, *Boston.* One Stool.

1015. Miss C. Hammond, *Boston.* Two Taborett Covers.

55. Miss Sophia Babbitt, *Boston.* One pair of children's Shoes.

241. Miss H. Whittredge, *Beverly, Mass.* One pair of children's Shoes, one Rug, three Bead Bags, one dozen Bead Emery Cushions, Card Cases, &c.—all very handsome. *A Diploma.*

1079. An old Lady, Mrs. Childs, *Boston.* One pair of children's Shoes.

310. Miss Sheppard, *Roxbury, Mass.* One wrought Silk Apron. *A Diploma.*

238. Miss Sarah Thompson, *Charlestown, Mass.* One wrought Apron.

498. Mrs. H. Plympton, *Boston.* One wrought Apron.

95. Miss Frances G. Shipley, *Boston.* One wrought Lady's Apron. *A Diploma.*

1000. Mrs. Babbitt, *Boston.* One Lady's Apron.

263. Mrs. R. P. Mallory, *Boston.* One wrought Apron, and nine Needle Books.

23. Miss R. T. Furness, *Boston.* Two infants' Blankets—best. *A Diploma.*

282. Mrs. I. M. Shute, *Boston.* One child's Cloak.

126. Miss E. A. Nickerson, *Boston.* One child's merino Cloak.

244. Miss E. Whittredge, *Beverly, Mass.* One black lace Veil—best. *A Silver Medal.*

97. Mrs. James Hall, *Bridgewater, Mass.* One black lace Veil—second best. *A Diploma.*

168. Mrs. S. B. Moore, *Worcester, Mass.* One black lace Veil.

508. Miss F. G. Shipley, *Boston.* Wrought Cape and Shawl.

1016. Mrs. George Hammond, *Boston.* One Lady's Scarf.

1072. Miss H. M. Johnson, *Boston.* One white lace Veil.

340. Miss H. Y. Foster, *Dorchester, Mass.* One white lace Veil.

493. Miss Bedel, *Boston.* One large vase of Artificial Flowers, and Feathers beautifully dressed; one Shell Basket, very handsome—best. *A Diploma.*

245. Miss A. Ripley, *Boston.* Three pots of Artificial Flowers; one box ditto ditto—very handsome. *A Diploma.*

80. Miss C. M. Burr, *Providence, R. I.* One box of Artificial Flowers.

1093. Miss Lucy Young, *Boston.* One box of Artificial Flowers.

197. Mr. T. W. Wilson, *Boston.* Three large vases of Wax Flowers, and three Bulbs in glasses—best. *A Silver Medal.*

537. Miss Thompson, *Boston.* One vase of Wax Flowers—second best. *A Diploma.*

734. Mrs. J. L. Homer, *Boston.* Three large vases of Wax Flowers, and two small vases. *A Diploma.*

217. Miss Doane, *Boston.* Two vases of Wax Flowers. *A Diploma.*

860. Mrs. Pelby, *Boston.* One vase of Wax Flowers, and one Bulb; four baskets of Wax Fruit and Vegetables—best; one piece of Shell Work, very beautiful. *A Diploma.*

815. Miss Sarah Whitney, *East Cambridge, Mass.* One pair of vases of Wax Flowers.

667. Miss Domett, *Northampton, Mass.* One box of Wax Flowers.

239. Miss S. T. Woodbury, *Charlestown, Mass.* One box of Wax Flowers.

827. Miss E. P. Farington, *Boston.* Two Wax Dolls.

341. Miss R. Hersey, *Dorchester, Mass.* One Gingham Robe.

557. Miss Mitchell, *Georgia,* by T. Larkin Turner, of Boston. Sewing Silk.

382. Clement Sharp, *Dorchester, Mass.* Four specimens of ornamented Table Cloths. *A Diploma.*

581. Henry Prentiss, *Boston.* One Shell Work Box—very beautiful. *A Diploma.*

933. A Lady, by J. R. Newell, Boston. One Shell Work Box—tastefully arranged.

82. Mrs. A. D. Parker, *Providence, R. I.* One Shell Work Box—best; two Shell Baskets and Flowers. *A Diploma.*

856. Mrs. Dunn, *Philadelphia,* by W. H. Milton, Boston. One Shell Box—very handsome. *A Diploma.*

440. Miss M. Fuller, *Boston.* Two Shell Boxes.

788 W. H. Homer, *Boston.* Shell Box and Flowers.

797. Mrs. Hadley, *Boston.* One Shell Box.

801. Mrs. H. Ripley, *Boston.* One box Artificial Flowers.

390. Mrs. George Johnson, *Lynn, Mass.* One Shell Basket—very beautiful. *A Diploma.*

83. Miss E. D. Blake, *Boston.* One Coral Grotto.

1001. Rev. John Pierpont, *Boston.* Twelve Napkin Rings. The wood of which these were made, having been brought from the Mount of Olives, rendered them very interesting.

609. Mrs. Senex, *Boston.* Two Bead Cages, and seven Bead Baskets. *A Diploma.*

826. Mrs. B. Longhurst, *Boston.* Two Alum Baskets.

228. Miss E. Holbrook, *Boston.* Two Alum Baskets; one Wafer Basket.

703. Miss E. Bowen, *Boston.* Two imitation Coral Baskets.

702. Miss C. Bailey, *Boston.* One imitation Coral Basket.

1076. Miss S. Kitteridge, *Boston.* One worsted Card Basket—very beautiful.

386. Miss E. Joy, *Boston.* Four Clove Baskets.

89. Miss Jane Park, *Boston.* Four Allspice Baskets.

88. Miss Martha Foster, *Boston.* One Clove Basket.

821. H. Harvey, *Boston.* One Quill Basket.

818. Mark Worthley, *Boston.* Fancy Boxes.

618. Mrs. Standish, *Boston.* Two Rosette Baskets.

638. Miss A. Cutting, *Boston.* One ladies' Cushion.

393. Mrs. Lewis, *Boston.* Three Glass Pincushions.

232. Mary M. Jennyson, *Boston.* Thirteen Pen-wipers, and six Puzzles.

290. The Patients of the McLean Asylum, *Charlestown, Mass.* Twelve morocco Needle Books; six Watch-guards; four Cake-napkins; three perforated Cards; one Toilet Cushion and Butterfly; and eleven Quilts. *A Diploma.*

812. The Belknap Sewing Society. Six Cake-napkins; two Lace Veils; and two Needle Books.

596. Miss Brown, *Framingham, Mass.* One Toilet Spread.

457. Miss E. Carver, *Boston.* One Quilt.

478. Miss Howe, *Boston.* Eight Needle Books.

10. Mrs. Randall, *Boston.* One Bed Quilt. *A Diploma.*

41. Mrs. J. Q. Adams, *Quincy, Mass.* One Bed Quilt—very handsome. *A Diploma.*

451. Mrs. F. Bradford, *Boston.* One patchwork Quilt—very beautiful. *A Diploma.*

665. Miss Spear and Miss Dennett, *Boston.* One white Counterpane, and one patchwork Quilt.

17. Mrs. E. Hawkes, *Danvers, Mass.* Two Quilts.

444. Mrs. Wendell, *Boston.* One Quilt.

146. S. O. P. Butterfield, *Dedham, Mass.* One Quilt.

534. Miss T. Bowers, *Boston.* One Quilt.

185. Mrs. Seaver, *Cambridgeport, Mass.* One Quilt.

611. M. H. Foster, *Boston.* One Quilt.

300. Miss E. Sharp, *Boston.* One Quilt.

6. Mrs. Samuel Adams, *Boston.* One Quilt—very handsome. *A Diploma.*

364. Mrs. George Passerow, *Boston.* One Quilt.

926. Mrs. Hannah Reed, *Boston.* One silk Quilt—very beautiful. *A Diploma.*

945. Mrs. James Leeds, *Boston.* One silk Quilt—much admired. *A Diploma.*

434. Mrs. J. Lillie, *Boston.* One silk Quilt. *A Diploma.*

1099. Mr. Allen, *Boston.* One pair of Silk Gloves, made in the hall during the exhibition—very good. *A Diploma.*

669. Mrs. E. Ruggles, *Boston.* One Mica Box; three Chimney Ornaments; two Card-racks; one box Mica Feathers; one Mica Lantern; two Mica Baskets.

49. By the Pupils of the Institution for the Blind, *Boston.* Two worsted Baskets, three Watch-guards, and one yarn Rug.

227. Miss S. G. Buffum, *Fall River, Mass.* One pair of worsted Hose, very beautiful. *A Diploma.*

303. Mrs. B. Fisher, *Boston.* One pair of worsted Hose, very handsome.

491. Mrs. Zebedee Cook, Jr., *Boston.* One pair of worsted Hose—much admired.

410. Mrs. J. Henderson, *Boston.* Two pair of worsted Hose.

742. Mrs. Adams, *Boston.* Five pair of Corsets—very well made. *A Silver Medal.*

662. Madame Audubert, *Boston.* One pair of blue satin Corsets—very handsome. *A Diploma.*

757. Mrs. E. Colcord, *Boston.* Three calico Quilts, and one quilled white Quilt.

182. Mrs. M. Wilson, *Boston.* One woollen Quilt.

1094. M. M. Robins, *South Boston, Mass.* One pair of calico Corsets, and one calico Pocket.

16. William Hale, *Boston.* Two list Carpets—very well done.

Mr. Oakes, (blind,) *Boston.* One mahogany Work Box—worthy of notice.

744. C. M. Abbott, *Boston.* One Bead Bag.

388. R. H. H. Jewett, *Boston.* Bead Belt, Bracelets and Purse.

424. A young squaw of Arkansas. A Wampum Belt wrought with beads—good.

500. Miss E. G. Fisher, *Boston.* One wrought Pincushion.

243. Miss C. Whittredge, *Beverly, Mass.* Two Bead Pocket Books.

867. Miss Phillips, *Beverly, Mass* (eighty-nine years old.) One Knit Cap. *A Diploma.*

8. I. Ryan, *Boston.* Nett Scarfs, Bags, Caps, and Capes.

123. Miss Margaret Gerrish, *Boston.* One pair of asclepias Socks, one asclepias Bag of varied colors, one asclepias Purse, two pieces asclepias Tapes, one Hat and Feathers—very good.

957. Miss A. Burr, *Boston.* One lot of Millinery, very handsome. *A Silver Medal.*

Miss Morse, *Boston.* One lot of Millinery, very good. *A Diploma.*

496. Miss Nutting, *Boston.* One lot Millinery. *A Diploma.*

222. Miss M. Putnam, *Boston.* Two Bonnets. *A Diploma.*

811. Mr. H. Bailey, *Boston.* Ladies' and boys' velvet Riding Caps—good. *A Diploma.*

193. Miss E. Bordman, *Boston.* Three wrought Caps.

513. Miss Juline Pond, *Boston.* One Grass Bonnet. *A Diploma.*

392. Miss Everett, *Boston.* One Florence Bonnet. *A Silver Medal.*

226. Miss S. S. Lovell, *Bridgewater, Mass.* Two Dunstable Bonnets—best of the kind. *A Diploma.*

144. Alfred Fales, *Foxborough, Mass.* One Dunstable Bonnet—very fine and handsome. *A Diploma.*

420. Mrs. A. Welch, *Newburyport, Mass.* One Cloth Carpet and Rug—very deserving. *A Silver Medal.*

548. Miss E. Dabley, *Newton, Mass.* One Cloth Rug.

113. Mrs. Thomas Curtis, *Boston.* One Cloth Rug.

456. M. A. Tuck, *Beverly, Mass.* One Cloth Rug.

78. Miss M. Orr, *Boston.* One wrought Rug, very good. *A Diploma.*

5. Mrs. Susan Lovett, *Beverly, Mass.* Two Hearth Rugs.

112. Irene Williams, *Roxbury, Ms.* One wrought Rug. *A Diploma.*

Mrs. Bayley, *Hanover, Mass.* One Yarn Rug, very good. *A Diploma.*

731. Mrs. R. Ward, *Roxbury, Mass.* One wrought Rug.

733. Miss Hawes. One wrought Rug, very fine. *A Silver Medal.*

70. Mrs. Josiah Fay, *Lancaster, Mass.* Two wrought Rugs. *A Diploma.*

307. Mrs. G. F. Cutter, *Boston.* One wrought Rug, very good. *A Diploma.*

59. Experience Randall. One Cloth Rug. *A Diploma.*

636. Mrs. M. Butler, *Boston.* A Rug.

992. S. M. Wilkins, *Chelsea, Mass.* One Cloth Rug.

355. Miss Mary Whittredge, *Beverly, Mass.* One Hearth Rug, good. *A Diploma.*

993. Miss Lamson, *Beverly, Mass.* One Cloth Rug, very good. *A Diploma.*

64. Mrs. Wm. C. Jenkins, *South Boston.* One Cloth Rug.

229. Miss S. T. Leman, *Boston.* One Yarn Rug.

167. Miss Labree, aged fourteen years. One wrought Rug, very handsome. *A Silver Medal.*

325. Miss C. M. Fuller, *Newton, Mass.* One wrought Rug.

240. Miss Lois Fisk, aged twelve years. One Cloth Rug, very good. *A Diploma.*

463. Miss Tolman, *Boston.* One Rag Rug.

486. Hannah Skinner, *Charlestown, Mass.* One Rag Mat.

312. Mary Jameson, *Boston.* One braided Mat; one Rag Rug.

559. Miss E. Coffin, *Boston.* One wrought Muslin Cape—very beautiful. *A Silver Medal.*

589. Miss Story, *Cambridge, Mass.* One wrought Cambric Handkerchief. *A Diploma.*

604. Miss Sheppard, *Roxbury, Mass.* One wrought infant's Robe. *A Diploma.*

715. Mrs. Clark, *Boston.* Two wrought infant's Robes; one Apron. *A Diploma.*

26. Miss L. Perkins, *Boston.* One wrought Cape and Collar.

237. Miss C. Thompson, *Charlestown, Mass.* One wrought Cape and Collar—very fine.

Miss Mary H. Bass, *Boston.* One wrought Cape—good.

1062. Miss H. Coffin, *Boston.* One wrought Collar—good.

L. J. Bassett. Cape and Collar.

294. Mrs. D. H. Belknap, *Boston.* One wrought Cape.

Miss Martha A. Kinsman, *Boston.* Wrought Cape and Collar.

668. Miss Perkins, *Newburyport, Mass.* Two Capes and Collars.

45. Miss Sawyer, *Charlestown, Mass.* One wrought Cape and Collar.

437. Miss Mary C. Briggs, *Boston.* One wrought Collar. *A Diploma.*

607. Miss E. D. Church, *Boston.* One wrought Cape and Collar.

160. Miss Emily Bassett, *Boston.* One wrought Cape and Collar.

503. J. G. Tompkins, *Boston.* Three wrought Lace Collars.

22. Miss Judith Sampson, *Boston.* One wrought Handkerchief, one nett Collar, one nett Cap. *A Diploma.*

646. Mrs. Waters, *Boston.* One Pelerine Cape of Feathers. *A Diploma.*

1023. Sarah Harris, *Boston.* One Feather Cape. *A Diploma.*

1067. Miss Harris, *Boston.* One Feather Cape.

24. Miss H. M. Williams, *Kennebunk, Me.* One Feather Cape.

403. Miss C. P. Gage, *Boston.* One Feather Muff.

218. Miss Messenger, *Boston.* One Milk-weed Cape—very beautiful.

545. Miss M. Wilder, *Boston.* Two Fly Coys.

A blind lady, *Boston.* One Twine Reticule.

934. Miss M. Frances, *Boston.* One Twine Reticule. *A Diploma.*

601. Miss A. G. Hill, *Cambridge, Mass.* Two wrought Nett Bags.

798. Miss J. H. Cushing, *Boston.* One Bead Purse.

373. Misses A. M. & E. J. Fisher, *Boston.* One Silk Bag; one Lamp Mat.

52. North & Chapman, *Saybrook, Ct.*, by Nath'l Cotton. Hooks and Eyes. These are plated in the best manner, and made thoroughly of flattened wire, and are far superior to the common articles made by machines and silver washed. The ladies approve of this manufacture in the highest terms. *A Diploma.*

4. Miss N. H. Houdlette, *Dresden, Me.* Fancy Silk Apron.

19. Hannah Foster, *North Andover, Mass.* One Bonnet.

71. Mrs. W. Babbitt, *Boston.* One wrought Cap.

25. Jerusha Williams, *Boston.* One knit Shawl.

119. Mrs. L. H. Coller, *Boston.* One Lamp Mat.

128. Mrs. H. Crosby, *Boston.* One Lace Veil.

E. J. Alden, *Boston.* Two Clove Baskets.

190. Miss M. E. Goodrich, *Boston.* One pair Cricket Covers; one pair Crewel Shoes; one Lace Collar. *A Diploma.*

203. Miss E. F Thompson, *Jeffrey, N. H.* One wrought Mat.

224. A Child of Dr. Hunt, of *Danvers, Mass.*, 12 years old. One Flannel Rug.

274. E. B. Weatherbee, *Boston.* One pair child's Socks.

326. Miss N. Gay, *Nashua, N. H.* One Straw Bonnet.

380. Miss E. Phelps, (9 years old.) Piece of Needle work.

381. Mrs. J. G. Sharpe, *Dorchester, Mass.* One Hearth Rug, and patchwork Quilt.

465. Mrs. H. Bailey, *Boston.* One Ottoman Stool.

471. Irene Thatcher, *Boston.* One Lamp Mat.

539. Mrs. Richardson, *Boston.* One Lady's Cape.

541. Mrs. Monroe, *Boston.* Two child's Bonnets—very beautiful.
A Diploma.

552. Mrs. Lord, *Boston.* One Quilt.

560. Olive Shaw, *Bridgewater, Mass.* One Hearth Rug.

569. Miss Clapp, *Charlestown, Mass.* One Cape.

626. Miss Baker, *Boston.* One Moss Cottage.

689. Miss B. Bassett, *Lynn, Mass.* One Rug.

713. A. H. Leland, *Cambridge, Mass.* One Quilt.

710. E. Butts, *Boston.* One Rug.

722. J. Dolbear, *Boston.* One Bead Bag.

774. A. Sargeant, *Boston.* One Bead Bag.

785. M. H. Bass, *Boston.* One Cape.

911. Mrs. Pelby, *Boston.* A Moss Swiss Cottage.

923. E. Mann, *Attleborough, Mass.* Three Bonnets.

962. Mrs. E. B. Harris, *New York.* One wrought Bag.

976. Mrs. J. H. Buckingham, *Boston.* One Cape.

998. Mrs. T. Lincoln, *Canton, Mass.* One wrought lady's Mantle—beautiful. *A Diploma.*

1002. J. H. Franksen, *Boston.* Box Feather Flowers—beautiful.
A Diploma.

1021. Miss. M. Barton, *Boston.* One Lamp Stand.

1052. Mrs. M. E. Wright, *Boston.* One Ottoman.

1098. Mrs. M. S. Smith, *Boston.* One wrought Curtain, and two pair baby's Shoes.

81. A. D. Parker, *Providence, R. I.* Two vases Artificial Flowers, made of shells.

100. Miss Eunice Holbrook, *Boston.* A Wafer Basket.

235. Mrs. Cook, *Boston.* Two boxes of Toys.

371. D. Davis, *Boston.* A lady's Work Basket.

425. Mrs. C. C. Williams, *Boston.* One case Anatomical Preparations, (removed before examination.)

510. E. J. Colby, *Boston.* Cocoa-nut Cup and Basket.

534. Mrs. J. Bowers, *Boston.* One patchwork Quilt.

647. Mrs. S. Holmes, *Boston.* One pair Crickets.

756. A. Bullard, *Boston.* Unbleached Stockings.

780. Miss Caroline Harris, *Boston,* [aged 11 years.] One Lamp Mat.

801. Mrs. Ripley, *Boston.* A box of Artificial Flowers.

406. Mrs. W. B. Lowell, *Boston.* A worked Rug.

ON FINE ARTS.

Edward Everett, Geo. G. Smith,
Charles Sprague, Ignatius Sargent,
Alpheus Cary, *Judges.*

In consequence of the somewhat unfavorable position of many of the articles submitted to their examination, the Committee were not able, in every instance, to bestow that thorough examination which they would have desired, and which, but for this difficulty, might have led them, in some cases, to form a different opinion.

Understanding the main object of the Exhibition to be the encouragement and improvement of art in our own country, the Committee, in deciding upon the various specimens submitted to them, proceeded upon the following principles:—

1. That works, not executed in the United States, were not entitled to a premium.

2. That *copies*, also, however well executed, and on that account praiseworthy, were not entitled to a premium; inasmuch as they tend but little to improve the *mind* of an artist, and can be considered merely as exercises, to assist him in overcoming the mechanical difficulties of his profession, and enable him to form a correct taste for the regulation of his attempts at original composition.

Before commenting in detail upon what they have deemed worthy of special notice, the Committee take occasion, as this Exhibition is a first experiment here, to offer a few general observations upon the prominent deficiencies in those works which have been referred to their judgment.

Our artists appear to be so generally fascinated with the mere effects of color, that exactness of outline and purity of form are almost entirely overlooked. We frequently see, particularly in the human figure, an erroneous drawing of the extremities, and a feebleness as well as incongruity in the action, which mar the effect of pictures, otherwise excellent, and which a very little anatomical knowledge would have prevented. In portraits, too, these defects are sometimes very glaring. The lines which regulate the drawing of the head are often disregarded, and the features are consequently misplaced, even when the general peculiarities of expression are rendered faithfully. In this branch of painting, also, we are frequently struck with an

unnatural stiffness, and mock dignity of air and attitude, which seem to be put on for the occasion, and which totally destroy that verisimilitude which it should be the chief object of portrait-painting to preserve.

Errors in perspective are also a common fault—and an inexcusable one, since, as this science does not depend upon talent or taste, but upon a few geometrical problems, easily understood, no artist should rest satisfied until he has a competent knowledge of it.

In these few brief remarks the Committee would not be understood in a particular, but in a general sense. They refer to the faults of the school, and not to those of individuals. As exhibitions of this nature are undoubtedly destined to exercise a powerful and abiding influence upon Art, it is of consequence that such a direction may be given to the public taste, as shall check that tendency to national mannerism, and the perpetuation of faults from generation to generation of artists, which is so injurious in the schools of Europe.

85. E. P. Mallory, *Boston.* View of Tomb of Spurzheim—a clever drawing, worthy of notice.

116. Thomas D. Morris, *Nantucket, Mass.* Imitations of woods and marbles.

155. Charlotte E. Russell, *Boston.* Two Paintings—a first attempt.

162. Nathaniel Cotton, *Boston.* A painting of the Battle of Bunker Hill, (a copy from Trumbull, by Pratt.)

293. J. Jenkins, *Boston,* (a boy.) Specimen of Fancy Sign Painting.

304. R. K. Cummings, *Boston.* A Miniature.

320. R. Neale, *Boston.* Specimen of Plate Printing—neat, and worthy of praise, though a number of successive impressions are required, to judge of the skill of a workman in this branch.

383. James Sharpe, *Boston.* Landscape and Cattle—an excellent picture in many respects; entitled to great credit, as Mr. S. is not a professed landscape painter. Also, Window Screens, upon wire—very beautiful.

422. H. Dexter, *Boston.* Original model in clay, Head of a Lady—an extraordinary production, when it is considered that a few months ago the artist was a country blacksmith. It has faults certainly, but gives evidence, notwithstanding, of superior talent, and is worthy of all encouragement, as being the foundation of sculpture, hitherto so little cultivated in this country. *A Diploma.*

461. J. Underwood, *Boston.* Mitchell's Map of the World.

499. C. Drew, *Boston.* Two Oil Paintings.

509. Miss C. D. Smith, *Boston.* A Crayon Drawing.

511. A. O. Waldeck, *Boston.* A chased Silver Medallion of Franklin.

542. Miss Thompson, *Boston.* Two Pictures of Waterfalls, in Indian ink.

265. W. Washburn, *Cambridgeport, Mass.* Architectural Models. Parthenon, Ionic Temple, Temple of Theseus, Doric Portico, Temple of Diana; very well done. The Committee suppose them not originals, however, and therefore not eligible for premiums.

It is much to be desired that architects should cultivate the art of modelling, as giving a far better idea of a building than the best drawing can possibly do. Future exhibitions we hope will be rich in this department.

588. Chickey & Garey, *Boston.* A Plaster Cast—Head of the Saviour, and a Bust of Walter Scott, are all that could be desired in this branch of art, which deserves encouragement.

593. Gerry & Burt, *Boston.* Oil Paintings of Fruit and Vegetables—executed with much truth.

595. D. C. Johnston, *Boston.* Ten Paintings in Water Colors. The Wandering Piper is the best of this class, full of character and well drawn. A Moonlight is exceedingly true to nature; and Views of Coast Scenery are very good. *A Diploma.*

624. I. Mann, *Brighton, Mass.* Preserved Birds and Insects. So far as the Committee can judge, these specimens seem all that can be desired, and as an important auxiliary to the study of natural history, the art is worthy of encouragement. *A Diploma.*

645. L. Warren, *Boston.* Imitations of various Woods and Marbles—exceedingly good.

680. Henry J. Finn, *Newport, R. I.* One Oil Painting.

704. Alvan Fisher, *Boston.* Fourteen Oil Paintings. "The Riding Party" is considered the best landscape in the Exhibition; and the best interior is that with the "White Mare and Foal." "The old Oaken Bucket," "Tired of Play," and "Two Boys with a Spaniel," may be mentioned as possessing great merit. "Portraits of three Children" is a very beautiful picture; the only prominent fault of which is the defective drawing of the extremities. The whole collection contributed by this artist is excellent, and formed a great ornament of the Exhibition. *A Gold Medal.*

705. S. Knight, *Boston.* One Oil Painting.

741. D. N. Jones, *Boston.* One Portrait.

876. N. E. Bank Note Company, *Boston.* Specimens of Bank Note Engraving—very favorable specimens, creditable to the artists.

888. Miss Julia Curtis, *Boston.* Colored Engravings.

920. Charles Hubbard, *Boston.* The Lancers' Standard—a fine work of art of the kind, leaving nothing to be desired, though the costume of the Indian on the reverse may be somewhat too fanciful. The Standard for the N. England Guards is also very good. *A Diploma.*

932. A. Hewins, *Boston.* Five Paintings.

943. Henry Card, *Boston.* A Plan of Merrimack River.

946. Robert Jones, *Boston.* View of a Cathedral, in oil—and six water color Drawings, in the peculiar style of this artist, remarkable for spirit, and freedom of handling.

1032. Terry, Pelton & Co., *Boston.* Specimen of Bank Notes—very good specimens of this branch of art.

1040. Miss Lewis, *Boston.* Water Colored Paintings and Lithographs. F. Lane, *Boston.* Lithographic Drawings. Copy of the Lancers' Standard, a very clever drawing, somewhat deficient in force and picturesque effect, and the touching of the herbage rather formal and artificial; falling, in these respects, far behind the original, but still superior to the ordinary lithographs of the day. *A Diploma.*

32. W. Lewis, *Boston.* Painting of fish, and other subjects—creditably executed.

693. H. C. Pratt, *Boston.* The Miracle of the Loaves and Fishes—a meritorious painting in some respects, but with many faults, among which may be mentioned the imperfect drawing of the figures, and the defective composition of the principal group. The tone of the picture is well suited to the subject, and the artist requires only careful study of the best masters, to attain high eminence in his profession. Also, a full length portrait of Governor Everett—a very good picture in every respect but the likeness, of which the Committee cannot speak favorably; it is remarkably free from those peculiarities of color which distinguish the works of this artist. The drawing of the figure, particularly the extremities, unusually good, and the general tone of the objects, chaste and true to nature.

Also, a portrait of the Hon. Stephen Fairbanks—a good likeness, but faulty in color; and of Miss Clapp, a pleasing little picture, with a charming expression, and well drawn. *A Silver Medal.*

631. Copman, *Boston.* A Portrait of Daniel O'Connel—a firm, boldly painted picture; the Committee think, however, that it cannot be an original. Also, a copy from Lawrence in Encoustic—exhibited as a specimen of this style of painting, which, if capable of sufficient force and variety of effect, is of great value from its durability.

T. Cole, *Boston.* A Portrait of Capt. Armstrong—a strong, bold picture, giving promise of high excellence, when the artist shall have had more experience. Also, a Portrait of J. L. Dimmock, which, bating a certain stiffness in the air of the figure, is very good. *A Diploma.*

Mrs. Turner, *Boston.* Colored Drawings—fruit and flowers from nature—generally very well done; some excellent.

Miss Monds, *Boston.* Colored Drawings—neatly finished.

958. Miss Goodrich, *Boston.* Several Miniatures—decidedly the best in the exhibition. *A Diploma.*

963. Southworth, *Boston,* A miniature likeness of Hon. Stephen Fairbanks—good in some respects, but faulty in coloring and expression.

New England Glass Company. A Stained Glass Window—an elegant, well finished specimen of the art. It is to be regretted that sufficient encouragement is not given, to ensure perfection in this beautiful mode of ornamenting churches and public buildings.

769. Wm. C. Kramp, *Boston*. Specimens of Architectural Drawings—a design for a villa, with plans—the best in the exhibition; and designs for house fronts—very good, but the effect is spoiled by the mounting. Also, a view of the gateway at Mount Auburn, and two compositions for monuments, good in the foliage and perspective, though the tone is somewhat too grey. *A Diploma.*

540. R. Bond, *Boston*. Designs—one for a Grecian Villa, the other for an Exchange—meritorious, but the shadows are not correctly projected—a capital defect in this species of drawing.

There has been a great apathy among our architects this season. It is to be hoped that future Exhibitions will bring forth more competition.

435. Henry Whiteley, *Boston*. A Mechanical Drawing—of great merit, and an excellent specimen of this kind of drawing. *A Diploma.*

370. Robert H. Eddy, *Boston*. Mechanical Drawings, maps and plans—excellent specimens in this branch of art—beautifully finished. *A Diploma.*

982. W. F. Stratton, *Boston*. Drawings of Animals, executed with a pen, in close imitation of the originals.

Kelley, *New York*. Engraving from Stuart's Washington,—a very creditable specimen of the art, when it is considered that the artist worked from a drawing, without any opportunity of seeing the original.

Cheney, Andrews, Cushman, and others. Various subjects for the Annuals—not exhibited for premium, but worthy of honorable mention. It is to be hoped, that all the artists in this department will on future occasions send specimens of their work, that the progress of the art may be judged of from year to year.

748. Thomas Moore, *Boston*. Lithographic Printing—the copy of the Lancers' Standard, and the drawings by Kramp—exceedingly well done. Much improvement, however, must yet be made, to equal the best European Lithography, for which the Committee hope no efforts will be spared. *A Diploma.*

311. E. H. Whitaker, *Boston*. A Door, painted in imitation of mahogany and white oak—the best in the Exhibition.

184. Morris & Ladd, *Boston*. A specimen of prepared painters' Canvas.

13. Commodore John Downes, *Navy Yard, Charlestown, Mass.* Models of ships.

14. Captain Percival, *Navy Yard, Charlestown, Mass.* Models of ships.

99. John A. Farrar, *Boston*. Miniature Church and Parsonage House.

115. Wm. J. Stetson, *Boston*. Miniature of Ship William.

163. Mrs. H. Kennedy, *Boston.* Fancy Urns, painted with fruit and flowers.

192. M. Redding, *Boston.* A Stained Glass Painting.

265. Daniel Holmes, *Boston.* A Doric Porch.

464. Flannally & Co. A Blue Stone Marble Monument.

676. Miss E. Blanchard, *Cambridge, Mass.* Paintings in water colors.

727. O. Holmes, *Boston.* A Glass Horse and Gig.

796. J. Moore, *Boston.* A Bust of Washington.

1022. D. Deshon. One Bird of Paradise.

In concluding this Report, the Committee have much pleasure in expressing their conviction, that the generally diffused and strongly marked taste for the arts, which seems to be the legitimate offspring of free institutions, is by no means wanting in our country. It only lacks the opportunity for its development. Good schools for the elementary principles are needed every where, and we have been led particularly to feel and lament the want of some means by which our artizans and mechanics might obtain that knowledge of Linear Drawing, so indispensable to the acquirement of a correct taste in every branch of the Mechanic, as well as of the Fine Arts. This defect might easily be supplied, at least to some extent, in our common schools, by teaching the elements of linear drawing to children, at the same time with writing, as is successfully done in Europe; and this knowledge might afterwards be carried to any desirable extent, by courses of lectures and practical instruction in our Lyceums and Mechanic Associations.

NEW INVENTIONS, MACHINERY, STEAM ENGINES, FIRE ENGINES AND APPARATUS.

George Darracott, A. S. Dawley,
Daniel Treadwell, M. H. Simpson,
George Brownell, Thos. C. Amory, *Judges.*

87. D. Anderson, *Keene, N. H.* Machine for Cramping Boot Legs. A simply constructed and good machine, of small cost; it does the work well and quickly. *A Diploma.*

15. E. Smith, *Quincy, Mass.* Model Screw Press. A machine of great power, but too expensive to come into general use as a shop press. It may be found useful in compressing heavy goods, but in screw presses great deduction must be made from the theoretic power for friction.

125. Geo. D. Newcomb, *Salem, Mass.* Miniature Steam Engine. A beautiful specimen of workmanship, so nicely adjusted as to be set in motion by the breath. *A Diploma.*

48. J. & E. Baldwin & Co., *Nashua, N. H.* A Machine for Sawing Shingles and Clapboards. This machine is fed by hand, and can be changed in five minutes so as to saw either shingles or clapboards. It can be built cheap, is simple in its operations, can be tended by any common laborer, and is therefore good and useful. The claim to novelty is the change of the machine, so as to saw either shingles or clapboards, and the manner of feeding.

67. R. H. Eddy, *Boston.* Model of Swing Draw, for rail-road and other bridges. This plan of draw resembles, in its general features, those in use at the London docks, but is improved in the details, and we understand has been adopted on the Eastern Rail-road. It is applicable to all bridges.

114. Gilroy & Tompkins, *Boston.* Power Damask Loom.

129. C. Babbitt, *Taunton, Mass.* A Machine for making Percussion Caps. This machine cuts out the cap in the form of a cross, and finishes it at the same moment, and we are told there is less liability to injury from the explosion than in the common caps. It works very fast, and appears to make a perfect cap, nor do we see how it could possibly be done better or quicker. The whole arrangement shows the master workman, in the finish as well as the contrivance. *A Silver Medal.*

156. Boardman & Kimball, *Lowell, Mass.* Machine for turning bobbins. This machine was in operation and worked well, although it could not be expected that any of the machines would be made to operate with as much accuracy during the bustle and confusion of a public exhibition, as in the factory or shop, where every little error might be adjusted at once. The machine now spoken of is well built—its proportions were good—and we think, when once put in operation, it would run a great length of time without need of repairs. This we think a great thing in its favor; for more machines fail and are thrown by, not because they are defective in principle, but because the builder was ignorant of, or neglected the law of proportion, than inventors are aware.

The whole arrangement of this little machine was good, and the manner in which the movement was accelerated after the bobbin left the cutters, ingenious as well as novel. It finishes at the rate of four or five thousand per day, with the work well done; and what we think must be of great consequence is, they cannot vary in size. We think the inventors entitled to much credit. *A Silver Medal.*

153. Bates, Hyde & Co., *Bridgewater, Mass.* Double Cylinder Cotton Gin. We know nothing of this machine from inspection, nor in what it differs from others in use; there was no claim for originality.

157. Thomas Boyd, *Boston.* Machine for Tennoning, Boring and Mortising. This is not claimed by Mr. Boyd as an original machine, but has been much improved since it came into his possession. It cuts a tennon of any width or thickness with the most perfect accuracy, either of hard or soft wood, in less time than could be imagined; and although, from Mr.

Boyd's avocations during the Fair being such as to prevent his paying any attention to the machine, yet it was occasionally set at work by others, and all who saw it were pleased with its simplicity and accuracy of performance. Considering its ability to bore and cut mortises, we should think no carpenter or cabinet maker would be without it. We think it deserving of more celebrity than it has yet obtained.

158. William Hovey, *Worcester, Mass.* Washing Machine. This humble and unpretending article is destined to a longer life than many or all of its predecessors. It is simple in its construction, and comes so near to hand work that all who try it must speak well of it. This we know will be its fate by our limited experience. It does the work well—is no more, if so much, liable to injure the clothes, as when the hand only is used; and in washing fine articles, several may be put into a cotton bag and cleansed at once. This is the opinion of a lady who has tried it, and she is well qualified to judge, and, though she laughed at it at first, she now recommends it to all her friends. This shews the advantage gained by the public, when a man of real mechanical knowledge takes hold even of so humble a thing as a washing machine. *A Diploma.*

172. Jonathan Cutter, *Putney, Vt.* Corn Husker. We believe the corn was really angry with our friend from Putney, for endeavoring to destroy a frolic in which it had partaken from time immemorial, for it absolutely refused to be husked unless held down by main strength.

181 T. Mears, *Attleborough, Mass.* Turning Table (model) for rail-roads. Inventors always do injustice to themselves when they exhibit imperfect models, and they often err by making them on too small a scale;—this was the case with this model; for we really think that there were some advantages in the design here shown over the tables in general use, but the model was so small and slender that it was deranged by the handling of the spectators, so that, unless you were very well acquainted with the strength and massiveness of one actually in use, it would convey the impression that it would be liable to get out of order

270. W. Hubbard, *Boston.* Working Model of Steam Engine. Very creditable for a lad of sixteen; and we advise him to persevere; for by spending his leisure hours in exercising his ingenuity in works like this, and thus strengthening his mind, he will derive not only amusement but profit. *A Diploma.*

209. C. Read, *Providence, R. I.* Screw-cutting Machine. This machine is said to be original with the exhibitor, and has been in operation one year at his manufactory. The advantage claimed is in the great saving of labor by the peculiar manner of feeding it, one boy of twelve years tending four machines, each machine cutting eight to ten screws per minute, and the screws are well cut, and free from the blunt point so frequently found on the imported article. It is certainly very good, and its simplicity and the

ease of its various motions were admirable; and during the largest part of a day, when we saw it at work in the exhibition, we believe not a single bad screw was made, and we timed it by our watch, and saw it make eight per minute. *A Silver Medal.*

219. Andrew Morse, Jr., *Boston.* Morse's Patent Capstan. This Capstan, by a very ingenious contrivance, by merely shifting the bars, can be changed from a simple capstan to one of great power, and will be found of much utility on board ship. In breaking ground, when hove short in getting under weigh, there will be a great advantage, especially when short-handed. We anticipate its very general adoption on board every description of vessels. *A Diploma.*

1074. Andrew Morse, Jr., *Boston.* Morse's Fog Bell. This is by the same ingenious and self-taught mechanic as the former. It is intended by clock work to keep a large bell tolling constantly, to warn vessels of their approach to dangerous shoals or rocks; and as they are sometimes intended to be placed where no one can be with them to wind up the clock work, this ingenious contrivance is intended to do it by the rising and falling of the tide or the motion of the waves, by the means of a large float which lies in the water. This motion would be continuous for a length of time, and the difficulty was to contrive a maintaining power which would be capable of standing the rough usage this would be subject to, and yet answer the purpose. This difficulty Mr. Morse has, we think, overcome, and his contrivance is very ingenious, yet not at all complex, and we see no difficulty in the way, if he proportions his work aright, and makes the whole massive.

We think the bell should be at least double the thickness generally used, that the tone may be sharp, and discordant with that of the waves.

223. W. & T. J. Lewis, *Boston.* Horizontal Wind Mill. We have never seen a mill like the model here exhibited, and we believe it is original, but are unable, merely from an examination of the model, to speak with any certainty of its merits. The projector is without doubt prepared to obviate those objections which would naturally present themselves at a cursory observation.

250. Shepherd & Baldwin, *Nashua, N. H.* Planing Machine. This planing machine cuts very fast, and leaves an excellent surface, and we think is easily kept in adjustment; and we are free to say we have never seen one in operation which we liked so well. There is a good deal of mechanical ingenuity displayed in its construction, and the work is strong and extremely well finished.

A Mortising Machine. One of the prettiest, most simple and best working machines exhibited. It does the work so quietly and with such perfect truth, and tells its own story so well, that we need not waste words in praising it.

Machine for Sticking Sashes. This machine does the work in a manner so nearly like a man shoving the tool, that we could not but admire it. The

only difference was, that the tool stood still, while the stuff was forced through, passing over a succession of planes, and coming out perfectly and more accurately finished than could have been done by hand, and about as fast as a boy could pick them up. *A Diploma.*

251, C. S. Gay, *Nashua, N. H.* Paper Trimmer. A well constructed and useful machine, which we should think would come into general use in all paper mills, as well as binderies. It is strong, and not liable to get out of repair. *A Diploma.*

359. E. Harrington, *Boston.* Stocking Loom. This is a very old but very good machine. Stockings and gloves were made without any ceremony; a pair of gloves were made from silk reeled and spun in the hall, from Brooks' machine—the cocoons from which they were made being exhibited in the morning, and in the evening the gloves were gracing the hands of our President.

272. T. Rundle, *Boston.* A Street Sweeper. We believe this machine has never been built upon a large scale, and laborers in that business need not be alarmed for fear it will rob them of their employment. Our friend the street commissioner should have passed judgment on this machine.

283. D. Baker, *New Bedford, Mass.* Model of Mill for sawing out frames for ships, or any work where circular or bevel lines are required. Much ingenuity is displayed in the construction of this machine, and it appears as though it might effect the object intended; yet we fear the inventor will find much difficulty in introducing it into use, unless at Grand Isle, or some other place where frames are got out in great numbers, and power is cheap.

288. Augustus Faulkner, *Drewsville.* Machine for Sticking Sashes. Not so simple, nor in our opinion so good a machine as No. 250; yet before we saw that we should have pronounced this a good machine. The work is done with circular cutters.

289. B. R. Harwood, *Boston.* A Wood Screw Cutter—cuts a beautiful screw, and is a useful tool. We believe it is not claimed as a new invention.

315. Hull & Chritcherson, *Portland, Me.* Marble Dresser. This machine may be useful in dressing marble, fluting columns or mouldings; and the cutting comes off in a state for immediate use by the plaisterers; for which a ready market is found. This may make it a profitable machine.

317. N. Phillips, *Boston.* Model of a Steam Engine.

321. J. C. Pratt, *Roxbury, Mass.* Locomotive Springs.

322. J. H. Gage, *Nashua, N. H.* Model of a Steam Engine.

334. P. Dow, *Boston.* Models of a Box Machine, and a Brick Machine. This machine for making bricks appears to be well calculated for the purpose intended, and we often wonder why so few machines are used in our brick yards. Do the brick makers find some practical difficulties which are not obvious at sight?

375. S. Ridgeway, *Boston.* Model of a Steam Boat.

379. S. Whitney, *Townsend, Mass.* Model of a Planing Machine. As this is only a model, we are not able to speak of its performance, but we think it constructed upon correct principles. The whole arrangement is simple and easily adjusted, and therefore good; we think it will work its own way, if properly built.

429. Kimball, Davenport & Co., *Cambridgeport, Mass.* Rail-road Cars. The improvement here claimed we understand to be, first, the manner of attaching the cars to the engine, as well as to each other, by which the sudden shock in starting or stopping will be avoided. Secondly, the cars are to be connected by a platform, attached to one car, and running under the other between the sills, having play sufficient to accommodate itself to the motion. By this means you may pass through the whole length of the train on the inside, as the doors are at the end of the car, and you enter by stepping on the platform between the cars; and if one wheel should break, the car would be held up by the connection between the two, and thus danger would be avoided. If the plan here proposed is feasible, it should be attended to by our rail-road companies, as every thing which conduces to the safety of passengers is of the first importance. But we apprehend one difficulty—if one car runs off, the whole must inevitably follow; at least so it appeared to us. Perhaps we are mistaken; if so, we are liable to correction; and by a different arrangement this difficulty may be avoided.

396. A. Whittemore, *Woburn, Mass.* Mortising Machine. This is a hand, or rather a foot machine—it is portable, works well, and is very convenient.

416. John M. Dearborn, *Boston.* Snow Clearer. Our friend Homer's offer of one hundred dollars premium has brought forward a host of competitors. There were but one or two, out of the whole, of which we could make any thing. Dearborn's is the only one worth speaking of, and of that we cannot say more than that the work *can* be done with it—whether to any advantage he will tell us by and by, as his is full size, and he means after the first fall of snow to hire a couple of stout hands, and their report instead of ours must decide whether the cash is to be pocketed by him, or whether another Fair must intervene before the prize is won.

342. T. Glover, *Boston.* Self-regulating Wind Mill. The sails are of wood, and there are springs which yield as the wind increases, by which a more acute angle is presented, and the force is consequently lessened. It thus regulates itself. It can be put up at little expense, and we should think, in the country, many farmers who are at a distance from mills, might find it useful. *A Diploma.*

347. E. & T. Fairbanks, *St Johnsbury, Vt.* Counter Scale, and Portable Platform Balance. There is a difference of opinion among practical mechanics, as well as among merchants, as to the comparative merits of the balances made by Mr. Fairbanks and Mr. Plympton, whose balance is spo-

ken of as No. 527, the article upon which was written before we had an opportunity of inspecting and testing this balance:—and we have now only to say of this, that, although there is a difference in the construction and the manner of applying the levers, yet we think they are upon principles equally correct, and the preference would be in favor of that one which was the best made. Workmanship equal, the results must be equally certain in either.

We think the public under great obligations to both these gentlemen, for their skill and perseverance in bringing so near perfection a machine of so much importance as the platform balance. *A Silver Medal.*

360. J. Boynton, *South Coventry, Ct.* Earth Excavator. If this machine should be successful, many of our laborers would be anxious to send it from whence it came—"to Coventry." As the model was out of order, and no one to give explanation, we are not able to form an opinion of its merit.

369. J. S. Savage, *Boston.* Boom Derrick. This is an improvement upon Holmes' Boom Derrick. We think Mr. Savage's improvement has added much to its convenience. In the construction of heavy masonry, and in all stone or marble yards, or public works, it is almost indispensable. It is the arm and hand of a giant, capable of lifting the largest weights, and placing them at the will of its mover. We cannot dismiss this article, without stopping to pay a small tribute to the memory of him who first introduced this and many other valuable machines to use, for the benefit of our mechanics—Almoran Holmes—a man without education, without friends, who from the humblest walks of life raised himself into notice. Many of our builders are now reaping the fruit of his talent, without knowing to whom they are indebted. *A Silver Medal.*

432. Lancy & Merrick, *Springfield, Mass.* Stave Sawing Machine. This machine has circular conical saws, and saws the whole stave at one operation, thus forming the bilge of the cask. For dry casks we think it a good machine, as it does the work very rapidly; and a machine for jointering the edges is attached. The claim we understood to be for using two saws instead of one. We cannot say which is best, as we never saw one of the single saw machines at work. There is considerable ingenuity in the contrivance, and we think well of it. *A Diploma.*

435. William Creed, *Boston.* Model of a Steam Boiler. There is a specification which describes at length the improvement claimed by Mr. Creed, who is a practical man, and one of the best workmen we ever knew. His object is to furnish an upright tubular boiler, at small expense, which shall be safe, and repaired with ease when needed. We think Mr. Creed entitled to encouragement for his attempt, and if nothing else would recommend him, the high finish of his model deserves reward. *A Diploma.*

460. Isaac Harris, *Boston.* Model of the Main Mast of a line of battle ship. Of this model it is not necessary for the Committee to say more, than that Mr. Harris was the maker of the masts of Old Ironsides, and of most of

the vessels built afterwards on this station, until one of his apprentices was taken into the Navy Yard, as master builder of spars for our public ships.

This little model is an exact representation of a mast of the largest size; and we believe that, to the faithfulness of the work of Mr. Harris, all our old naval commanders can bear witness.

506. D. W. & S. H. Barnes, *Boston*. Illuminated Compass—an excellent contrivance, and one we should think that would be in use on board all vessels. *A Diploma.*

514. T. Whittemore, *Boston*. Knitting Machines. Ingenious and useful machines for domestic use.

520. C. Wight, *Boston*. Last Turning Machine. An improvement on Blanchard's machine, by which many sizes may be turned from one pattern. *A Diploma.*

523. A. Howes, *Boston*. Model of Loom.

527. Henry Plympton, *Boston*. Platform Balance. This balance appears to be constructed upon correct philosophical and mechanical principles, and the well known character of Mr. Plympton for turning out accurate and highly finished work from his factory, gives assurance to all who employ him that there will be no failure in this respect in balances made by him. He fully sustains the character which was so honestly earned by his predecessor, Mr. Benjamin Dearborn, one of the oldest and best mechanics of our city.

We do not see how any balance can be constructed which will be less liable to derangement than this. One of the advantages is, that the article to be weighed may rest on any part of the platform, and the indicator will shew the same result as if placed exactly on its centre. This we believe is not the case with all platform balances. We cheerfully recommend this balance to all who have occasion to weigh heavy articles, where sure and certain results are desirable.

For the above, and the Gold Balance, as described in pages 51 and 52, the Committee on premiums award *A Gold Medal.*

599. Holbrook & Eayres, *Nashua, N. H.* Model of a Stone Cutting Machine. This machine is intended to hammer or true the surface of one of our hardest building materials—granite. There are three sets of hammers, or rather chissels; the first set are narrow, and rough off the surface; the second true it; while the third, which are still wider, fine-hammer or give the finished face. The arrangement is such, that the operator can raise or depress the chissels, which weigh about 25 pounds, so as to strike at any angle found necessary; and additional force may be given to the blow at pleasure, by means of spiral springs. The action of the machine, when in operation, is such, that the blow is given precisely as it would be by a man holding the chissel with his hand, and striking with his hammer. We think the inventors entitled to much credit for their ingenuity, and cordially wish them success.

Mortising Machine. We spent so much time upon the stone machine of these gentlemen, that we have quite overlooked this machine, or else we have lost our minutes.

619. I. Underwood, *Boston.* Angell's File Press—useful in counting houses.

635. I. A. Pitts, *Winthrop, Me.* Horse Power Winnowing Machine.

641. C. Hayward, *Boston.* Candle Moulds.

643. A. Smith, *Boston.* Shingle Machine.

652. R. Cooper, *Boston.* Model Machine for cutting Felloes.

659. I. Hartshorne & G. Holbrook, *Boston.* Patent Spark Catcher. We recommend it to the ladies; if they find it answers, our rail-road companies cannot but adopt it.

660. W. Field, *Pawtucket, R. I.* Vertical Trip Hammers. The hammers are raised by revolving cams; and additional force is given to the blow at pleasure, by means of a spring. There are three hammers in one frame. A useful machine for all smiths or machine shops. *A Diploma.*

672. Peter Taylor, *Boston.* Eccentric Rose Machine. This is a cycloid, right line, oval or rose machine; it will follow any copy, or engrave any pattern. The advantages claimed are, that it is complete within itself, can be worked by hand or power, and combines the slide rest, eccentric chuck, and rose machine, in one simple movement. It may be attached to the slide rest of an engine, or any other lathe; and will engrave surfaces of any extent and bodies of any weight, which could not be brought in contact with the chuck of any lathe. It operates upon globular, cylindrical, or plane surfaces equally well. It dispenses with the expensive extra cams for engraving waving lines, required by the rose machine. It will give an endless variety of patterns, many of which we saw, and they were extremely well executed. We think the machine a very useful as well as an ingenious one. *A Silver Medal.*

673. I. T. Ogden, *Boston.* Model Steam Engine.

681. Dr. James M. Whittemore, *Brighton, Mass.* Model Steam Boiler. A very pretty model, and exposes a great surface to the action of the fire.

725. Mann & Thyng, *Lowell, Mass.* Locomotive Engine and Tender. The enterprising and highly talented young mechanics who have constructed this beautiful model, have made a bold stride in venturing upon so radical a change in a machine which has been brought to so much perfection as the locomotive engine. The improvements claimed are,—1st, the manner of using the waste heat; 2d, the additional steam chamber to the boiler; 3d, the position of the dome, by which it is surrounded with hot air, and the steam is kept dry; 4th, the application of power in a direct line, by means of the vibrating cylinder; 5th, the position of the valves, by which but one lever is required to govern all the movements of the engine; 6th, the position of the force and hand pump, by which it is protected from frost; 7th,

the change in the wheels, by using a double phalange as a security against running off the rails.

It can hardly be supposed that the Committee would hazard an opinion upon so many important alterations, without a more thorough investigation than could possibly be had barely by the inspection of a model. The whole arrangement of the various parts shows a thorough knowledge of the machine they are attempting to improve; and we think them worthy of much encouragement in daring to think for themselves, as well as for the excellence of their workmanship displayed in this highly finished model.

A Silver Medal.

730. A. Hale, *Bridgewater, Mass.* Rotary Shears for cutting metallic plates—an old machine, which has been used by copper and tin workers for years.

737. Davis & Read, *Boston.* Model Steam Engine. Like many of the others exhibited, it has nothing worthy of particular note. The attempt to dispense with the crank motion has been often tried without success.

754. L. Hale, *Hollis, Mass.* Horse Power and Threshing Machine—a good machine.

764. T. T. & I. T. Kimball, *Dedham, Mass.* Model Rail-road Car.

765. Currie & Brown, *East Kingston, Mass.* Horse Power.

770. W. J. & A. E. Lyman, *East Hampton, Mass.* Lyman's patent Bedstead.

777. E. Thayer, *Boston.* Fire Engines.

959. W. E. Hunneman, *Boston.* Fire Engines.

Powerful machines, the work well executed and highly creditable to the builders.

There has long been a contention between these gentlemen as to who should build the best engine, and either of them now would hesitate to put his name on such an engine as they built a few years since, and were ready to quarrel with any one who thought a better ever could be made. Thanks to this competition, we do not now have to send south for better work than we can have made at home. This is only one of the benefits we derive from having *had the Quincy.*

By the by, where was Bisbee's beautiful machine? Have the Tigers metamorphosed her into their Race Boat? We *guess* if they pull her as fast as we have seen them throw the water from the pipe of their engine, *they* must pull hard who beat them.

789. J. Springer, *Sterling, Mass.* Winnowing Machine.

819. F. G. Woodward, *Keene, N. H.* Model Locomotive.

833. W. B. Earle, *Leicester, Mass.* Card Sticking Machines. These machines are not claimed as original inventions, but as modifications and improvements on Whittemore's machines, by which they are made more

simple, compact, and less liable to derangement, and consequently ensuring better work with less labor than any machines now in use.

The Committee, without pretending to decide upon the claim to originality in the improvements introduced, feel themselves authorized to say, that they have never seen better cards than those made by these machines, and the testimony of those who have used them would bear them out in a still stronger expression; and the beautiful accuracy of the machine, at work during the exhibition,—its sensitiveness in instantly rejecting an imperfect tooth, would almost induce a belief that it was possessed of consciousness. A thorough knowledge of the laws of motion must have been necessary to one who would attempt to improve these machines; this we believe Mr. Earle to possess, and he is a skilful workman, as well as an able designer, as is shown in the finish of these beautiful machines. *A Silver Medal.*

840. Samuel Nicolson, *Boston.* Nicolson's Steering Wheel—a new and useful contrivance for steering ships. The arrangement is such that the power of the helmsman may be increased at pleasure; and, as there is no slack rope, the back lash of the rudder, so dangerous to its safety, is avoided. This is the best of the many contrivances we have seen for this purpose, and we have no doubt will be fellow passenger with his patent windlass on board many of our crack ships. We recommend it to the examination of all ship owners. *A Diploma.*

846. John Tuttle, *Boston.* Elliptic Springs, and Machine for testing them. They appear well made, and the machine is an useful one.

A Diploma.

847. Harris & Holland, *Northampton, Mass.* Machine for Twisting Silk.

894. E. S. Curtis, *Boston.* Corn Mill. If it performs what is promised, it is invaluable.

896. *Name unknown.* Cotton Gin.

898. Zebulon Favour, *Boston.* Horse Power Mill.

714. E. Brown, *Boston.* Portable Shower Bath. There should be one in every family.

912. John Dwight, *Boston.* Copper Ruling Machine—performs well, so say our engravers. It will produce an endless variety of figures.

960. Otis Tufts, *Boston.* Steam Engine. This engine was built at very short notice by Mr. Tufts, expressly for use in driving any machines which were for exhibition. In twenty-eight days from the time we spoke to Mr. Tufts, the engine was in operation in the hall. It was not as highly finished as it would have been if more time could have been allowed, but as soon as the steam was let on, it started, and we believe needed no adjustment during the whole time. This speaks well for the accuracy of the workmanship.

The peculiarity of the construction is—a plain cylinder boiler set in a cast iron frame; within this is a casing of fire brick, and between this and

the outside casing of sheet iron, is an air chamber, to prevent the waste heat from escaping into the shop in summer, as it is then conducted by pipes into the flue, or might be conducted under the grates, thus giving a supply of warm air for the consumption of the fuel. In winter this warm air is let off into the shop, thus becoming a hot air furnace, warming the whole building. On the upper part of the boiler frame, and immediately over the boiler, lays the cylinder, and the arrangement is such, that the boiler can be removed without disturbing any thing else, and the arrangement of the whole is snug and compact, and exactly calculated for a shop engine, being perfectly safe as regards danger from fire. We do not well see how an engine can be better fitted for the work intended, as the fireman can have his bench near, and his time usefully employed, which is not so well done when the boiler is in a separate room. *A Silver Medal.*

971. G. W. Parker, *Boston.* Shroud Setter—old.

979. G. W. Parker, *Lowell, Mass.* Machine for Mortising, Tennoning and Boring. This machine was not at work, and we can therefore say but little about it. It has taken a premium at New York, and therefore should be a good one.

990. T. C. Barton, *New York.* Portable Fire Engine. A good machine, and should be on board every ship. If ship owners would dispense with some of their gingerbread work, and put an engine of the same cost on board, many a gallant ship and her brave crew would be bounding over the waves, which now lie fathoms deep. *A Diploma.*

975. Edward Rockwood, *New York.* Lights for Vaults. A useful article, substantially got up, but not new.

Model of Charlestown Dry Dock. This is an exact model of one of the best of our public works. It is neatly made, and shews the entire arrangements of culverts, waste ways, &c. We need hardly say, that this great public work was done under the direction of Loammi Baldwin, one of the oldest as well as ablest civil engineers in our country, and does equal honor to him and the country, for we but express the opinion of all who are competent to decide, that this dock is not excelled by any similar work in Europe.

884. James Boyd, *Boston.* Lead and Suction Hose. *A Diploma.*

914. Riley & Kenney, *Boston.* Lead and Suction Hose. *A Diploma.*

Mr. Boyd has powerful competitors in his former apprentices, and did he not occasionally spur up, he would be distanced in the race; but he has furnished us this year, in addition to his lead hose, which is riveted, suction hose, with wood instead of copper rings, riveted, which we think a good article, as it is lighter and more easily repaired than any we have yet seen. Time will prove its durability. Of his work generally, we need only say, no one furnishes better hose than Boyd.

His competitors, having had the advantages of his shop instruction, furnish

that which is equally good, and occasionally try their hands at new experiments. One of these is the suction hose made upon spiral wire, which is flexible, and very popular among our firemen. It is a beautifully made article, and the only thing we see against it, is the difficulty of repairs if injured, and the liability to corrosion. The flexible pipe is of great importance, and we believe is in general use. We commend it to all.

530. Sherward's Revolving Safe. A double cylinder safe, one revolving within the other as an additional security against rogues and fire. A good article. *A Diploma.*

267. P. A. La Coste, *Boston.* A Loom for Coach Lace. Finishes the lace on both sides, and produces a beautiful article—claimed as original. *A Silver Medal.*

423. J. W. Osgood, *Boston.* Counting Machine for Printers. The contrivance of a printer's boy. We like it, because it assures us the boy thinks, and when that is the case, the battle of life is half won; to secure the remainder, it is only necessary to think right. *A Diploma.*

58. Adam Brooks, *South Scituate, Mass.* Brooks's Silk Machines. Every thing relating to the manufacture of silk is of vital importance to our country, especially to New England. These machines were at work during the entire Exhibition; and the ready and cheerful explanations given by Mr. Brooks and his lady were such, that all readily understood the process. The machines are not expensive, and should be as much an appendage of every farm house in New England, as was in former times the spinning wheel. If our farmers' daughters would turn their attention to the growing of silk, we think they may be as profitably, and much more pleasantly, employed in their natural homes, than in the crowded rooms of a factory, and more likely to make good wives and mothers. *A Silver Medal.*

1095. T. L. Pope, *Boston.* Shears for Cutting Iron. The combination of levers and togle joints here used gives great power; but the machine exhibited was too light to be durable. When properly proportioned, it will be a very useful machine.

556. D Monroe, *Boston.* Machine for Cutting Clock Geers. A well finished machine. *A Diploma.*

Name unknown. Rotary Steam Engine. This is another of the oft repeated attempts to obtain a rotary motion by the direct action of the steam. If our mechanics would devote more of their leisure hours to the study of mathematics, and make themselves masters of the science of numbers, we should have less of these abortive attempts.

40. Daniel Forsey, *Boston.* Manufacturers' Reeds.

487. Henry A. Dewy, *Leicester, Mass.* A set of Machine Cards.

561. Gorham & Angell, *Providence, R. I.* A box of Weavers' Reeds.

452. H. Hobbs, *Weston, Mass.* Pickers, both for cotton and woollen.

529. L. Brooks, *Boston.* Model of a Shoe Cutter.

530. L. Locke, *Boston.* Platform Balances.

531. W. Bradley, *Roxbury, Mass.* Model of a Felloe Cutter.

606. E. Hutchinson, *Boston.* A Washing Machine.

661. F. Dawson, *Boston.* A Model of a Steam Boat.

706. W. Whittemore & Co., *Boston.* A bundle of Machine Cards.

730. A. Hale, *Bridgewater, Mass.* A Model of a Rotary Shave Machine.

807. Tillson & Mitchell, *Boston.* A Hammering Machine.

849. I. L. Pratt, *Northampton, Mass.* A Machine for grinding paint.

913. Benjamin F. Dwight, *Boston.* A Paling Machine, and a Say Printing Press.

966. W. A. Leaver, *Lowell, Mass.* Model of a Quilting Frame.

986. I. Codman, *Boston.* Door Springs and Door.

36. Nathan Stinson, *Boston.* A Washing Machine.

44. Henry I. Read, *Salem, Mass.* A Miniature Fire Engine.

108. Caleb S. Whitman, *Boston.* A Miniature Steam boat.

285. I. Morrison, *Boston.* A Sugar Grater.

291. A. Morse, Jr., *Boston.* A Model of a Capstan, similar to the operating capstan, heretofore mentioned. Also, a Model of a ship's Steering Wheel.

232. S. A. Meader, *Boston.* Schneider's Washing Machine.

297. George Darracott, Jr., *Boston.* A Power Press for pressing goods; and a Machine for punching copper for sheathing ships.

336. F. Bullard, *Boston.* A Quilting Frame.

379. I. Whitney, *Townsend, Mass.* A Model of a Planing Machine.

430. S. L. Hay, *Boston.* A Platform Balance.

477. W. R. & G. H. Thomas, *Boston.* A Model of a Fire Engine.

497. A. Davidson, *Littleton, Mass.* A Washing Machine.

Samuel R. Johnson, *Charlestown, Mass.* Specimens of Wrought Granite, from the Railway Quarry in Quincy, Mass. One of the pieces was two feet four inches high, and eight feet four inches long, ornamented with one wreath and a half, two feet in diameter, wrought on the face, and with a return end two feet thick. The other was an Antàc capital, four feet wide, with two feet projection; the moulding of which was enriched with fluted leaves, copied from the Temple of Nemesis, at Rhamases, as shewn in the Unedited Antiquities of Attica. These elegant stones were wrought for the City Hall in Salem, and are said, by our most accomplished architects, to surpass any work of the kind they have ever seen. The wreathes and leaves are distinctly and perfectly cut, without flaws or mendings, and evince great skill in the manipulation, as well as correct taste in the design.

The nature of the material, which is, probably, the most difficult in the world to carve neatly, renders these specimens worthy of high admiration.

A Silver Medal.

In making the above report, the Committee are sensible they may have inadvertently omitted important machines, which were, perhaps, worthy of note; and may have spoken with less commendation of others than their inventors thought they would deserve; but as most or all of them were brought in, just as the exhibition commenced, and the only examination the Committee were able to make was during the exhibition, when the rooms were crowded, they were very likely to pass, without notice, a model or machine of much merit, unless their attention was called to it by the owner; and, as they have sedulously endeavored to give praise wherever they have thought it deserved, they have equally tried to injure no one by the expression of an opinion adverse to the merits of any machine exhibited. Fully sensible that their opinions were not infallible, their only object has been to give encouragement to the inventive genius of our country, and call into notice deserving and talented mechanics, by speaking of their works with a just degree of approbation.

Several articles were omitted in the reports, among which are the following:—

399. Augustus Rice, *Boston*, (an apprentice.) A Sheet Iron Grate.

428. H. W. Miller, *Worcester, Mass.* A Coal Stove and Radiators.

700. Prouty & Mears, *Boston.* A Model of a Stove.

851. Leavitt & Bates, *Boston.* A Pyramid Stove.

1014. G. H. Hammond, *Boston.* Stoves.

1104. Andrew Marsh, *Boston.* A double dove-tailed Box.

The Board of Managers award to His Excellency Edward Everett, a Gold Medal and a Diploma, for the learned and eloquent Address delivered by him before the Association, on the evening of the 20th of September last.

They also award to Messrs. George H. Gray & Co., and to Messrs. Hosmer & Tappan, each, a Silver Medal and a Diploma, for the valuable services respectively rendered by them to the Association, in obtaining extensive and important contributions of various articles of American Hardware.

NOTE BY THE PUBLISHING COMMITTEE.

Several errors have inadvertently escaped correction in the preceding pages, which are here noticed.

On the second page, at the foot, insert,

THOMAS BOYD, *General Superintendent.*

Page 17, No. 328, Farrington & Hunnewell, insert, *a Diploma.*
" 19, " 402, second line, for "D. Fenno," read "D. Farrar."
" 21, " 692, R. & W. Robinson, strike out "a Diploma," and insert *a Silver Medal.*
" 38, " 831, for "living," read "lining."
" 86, " 311, insert *a Diploma.*
" 44, for "Parker, Blanchard & Co." read "Parker, Blanchard & Wilder."
" 44, for "Ware Manufacturing Co., Ware, Mass.," read "Weare," in both places, and "N. H." for "Mass."
" 18, " 151, for "Melvin," read "Meloon."
" 22, " 368, for "Gray," read "Grace."
" 41, " 916, for "Allen & Hallett," read "Brown & Hallett."
" 53, " 236, for "Brown," read "Brewer."
" 58, " 1045, for "Hopper," read "Copper."
" 71, " 166, for "Dresser," read "Draper."

ADDENDA.

The following articles were accidentally omitted to be noticed in the Reports of the Judges: —

7. Abraham W. Blanchard, *Boston.* One Trunk.

30. William Stearns, *Salem, Mass.* A Snow Cleaner.

42. George E. Harrington, *Boston.* A House Bell.

53. E. W. Tucker, *Boston.* A Puzzle in a Bottle.

84. C. Harnden, *Lynn, Mass.* A Snow Cleaner.

86. Samuel Cox, *North Hadley, Mass.* A mammoth Corn Broom.

106. John Cowden, *Boston.* A soap stone Fire-place and Grate.

110. Samuel L. Cutter, *Boston.* A Miniature of the Schooner Gladiator.

130. Samuel Hood, *Dorchester, Mass.* Manilla Mats.

143. George B. Foster, *Salem, Mass.* A Miniature Barouche.

164. David Whitehouse, *Boston.* A Snow Cleaner.

196. Ira Draper, *Saugus, Mass.* Two models of Snow Cleaners.

199. I. H. Sassard, *Boston.* A Wig and Top Piece.

202. Jacob Howe, *Worcester, Mass.* A Mop Head.

256. G. H. Lovejoy, *Boston.* A Trap Bird Cage.

330. W. W. Codman, *Boston.* A fancy set of Mineral Teeth, set in gold.

361. A. Burrage, *Boston.* A wood Flower Pot.

378. Cyrus R. Woolson, *Lowell, Mass.* A model of a Trip Hammer, in steel, of a proper size for a breast pin.

507. E. Ives, *Boston.* Sheet iron Tea Kettles, and Coal Sifters.

543. I. Warren, *Boston.* Canoes, by the Penobscot Indians.

580. Harlow & Roberts, *Boston.* One marble Table Top and Table.

590. I. Barnard, *Boston.* An imitation marble Chimney Piece.

616. Roxbury Chemical Co., *Roxbury, Mass.* A specimen of Sulphurate of Copper.

655. N. E. Hale, *Boston.* A model of a Snow Shovel.

657. I. Glynn, *Boston.* A box of House Bells.

701. I. Mears, Jr., *Boston.* One Toy.

712. I. Foster, *Boston.* A soap stone Box.

746. I. Jones, *Roxbury, Mass.* Tortoise shell Combs and Ornaments.

762. Light & Stearns, *Boston.* Specimens of Book Printing.

781. D. Pappan, *Boston.* A Sheet Counter and Card Case.

794. J. & E. White, *Boston.* A Chaise Harness.

858. W. H. Milton & Co., *Boston.* A Fur Surtout.

861. *Name unknown.* A model of a Snow Shovel.

868. C. W. Wade, *Pittsfield, Mass.* Dental Instruments.

972. T. N. Breed, *Lynn, Mass.* A box of Paper Cuttings.

988. W. H. Milton, *Boston.* A marble Centre Table.

995. R. M. Copeland, *Boston.* Specimens of Binding,—the Revised Statutes.

950. Crocker & Brewster, *Boston.* Specimens of Book Printing.

1031. B. Sherwood, *New York.* An Iron Safe.

1042. I. Flannaglen, *Boston.* Spelter Ornaments.

1066. S. Kilburn, *Boston.* A copper Congreve Plate.

1068. W. Gavett, *Salem, Mass.* Models of Snow Shovels.

1103. S. Fuller, *Boston.* House Bells.

BABCOCK'S MINIATURE RAILWAY.

Lewis Babcock, *Ware, Mass.*, exhibited a Miniature Railway, twenty-one feet in circumference, upon which was placed a locomotive, propelled by springs, and followed by a beautiful train of cars—the automaton engineer of which will ring the bell at the word of command—also pull a lever with the other hand, and set the train in motion. He will also stop upon the route, the baggage car door will open, and an automaton will place itself at the door, and take in baggage; immediately the bell will ring, and the train be put in motion again. When in motion, if any obstacle is placed upon the track, (in different places,) the engineer will ring the bell, and the train will stop, &c. All of which is done with machinery, apparently without the aid of any person.

There was also a Miniature Steam Locomotive, weighing but little over an ounce, in which the power was obtained by a spirit lamp; and which worked with great precision.

This part of the exhibition afforded much amusement to the visiters, while the engines were in operation, and Mr. Babcock deserves great credit for the beauty and novelty of the several contrivances.

INDEX.

REPORT OF THE BOARD OF MANAGERS, ... 3

REPORTS OF THE JUDGES, ... 13

Penmanship, ... 13

Jewelry, Silver and Plated Ware, Wood and Brass Clocks, and Military Goods, ... 16

Stoves, Grates, Cooking Ranges, Marble Fire-places, and Furnaces, ... 18

Cloths, Cassimeres and Flannels, Metal and other Buttons, . 20

Brass, Copper, Tin and Brittania Wares, and Wire-work, . 21

Carpetings, Rugs, Bocking, Centre and other Table Coverings, . 23

Picture Frames and Gilding, ... 23

Hanging, Astral and Mantle Lamps, ... 24

Confectionary and Sugar, ... 24

Glass, Earthen and Stone Wares, ... 25

Philosophical Apparatus, ... 27

Cannons, Fire-arms, Rifles, Rifle Pistols, and Sportsmen's Apparatus, ... 30

Silk Goods, Sewing Silk, Cocoons and Thread, . . . 32

Coach Lace, Webbings, Fringes, Upholstery Goods, and Paper Hangings, ... 33

Coopers' Work, Boats, and Pump and Blockmakers' Tools, . 35

Boots, Shoes, Shoe-dealers' Tools, Leather and Morocco of all kinds, and Pocket-books, ... 38

Piano-fortes, Organs, and other Musical Instruments, . . 41

Neck Stocks, Hosiery, Gloves, Gentlemen's Wearing Apparel, Ready-made Linen, and India Rubber Goods, ... 42

Cotton and Printed Goods, ... 44

Shell, Pearl and Ivory Work, Brushes of all kinds, and Hair Work, ... 45

Agricultural Implemens, ... 46

Soaps, Ferfumery, Medicinal and other Chemical Manufactures, —Chemical Apparatus,—Dentist and Surgical Articles, . 49

Hats, Caps, Furs, Umbrellas and Walking Sticks, . . . 53

Printing, Type, Stereotype, Hand and Power Printing Presses, and Printing and Writing Paper, ... 56

INDEX.

Book Binding, Binders' Tools, and Blank Books, . . . 57
Cabinet Work and Fancy Boxes, ... 59
Carriages, Chaises, Trunks, Saddles, Harnesses, Bridles, Military Horse Equipments, and Whips, ... 63
Carpenters' Work, ... 65
Hard Ware, Cutlery, Capenters' Tools, Locks, and Iron and Brass Castings, ... 67
Cordage and Twine, ... 71
Jellies and Preserves, ... 72
Hobby Horses, ... 72
Needle Work, Millinery Goods, Artificial Flowers, . . . 72
Fine Arts, ... 82
New Inventions, Machinery, Steam Engines, Fire Engines and Apparatus, ... 87

AN

ADDRESS

DELIVERED BEFORE THE

MASSACHUSETTS

CHARITABLE MECHANIC ASSOCIATION,

20th SEPTEMBER, 1837,

ON OCCASION OF THEIR

FIRST EXHIBITION AND FAIR.

BY EDWARD EVERETT,
HONORARY MEMBER OF THE ASSOCIATION.

Boston:
PUBLISHED BY DUTTON AND WENTWORTH,
FOR THE ASSOCIATION.

1837.

Boston, *September* 23, 1837.

Dear Sir,

The undersigned, in behalf of the Executive Committee of the Board of Managers of the Exhibition and Fair of the Massachusetts Charitable Mechanic Association, have been charged with the pleasant duty of soliciting of your Excellency, for the press, a copy of your highly appropriate and eloquent address, delivered before the Institution on the evening of the 20th instant. Believing that the publication of it will be of great public utility, and gratifying to every member of the Association, we feel the strongest assurance that you will accede to the wish of the committee.

With the highest consideration,

We are, most respectfully,

Your obedient servants,

STEPHEN FAIRBANKS,
JAMES L. HOMER,
JAMES CLARK.

To His Excellency Edward Everett.

Boston, 29*th September*, 1837.

Gentlemen,

I am duly favored with yours of the 25th, and in compliance with the request of the Executive Committee of the Managers of the Exhibition and Fair of the Massachusetts Charitable Mechanic Association, I have the honor to submit to you, for publication, my address of the 20th instant. It is scarcely necessary to observe, that it is by no means to be considered as a philosophical treatise, exhausting the subject, and worthy the notice of the student, but as a series of reflections and illustrations, of a somewhat desultory character, designed for delivery before a popular audience, and hastily thrown together amidst numerous pressing avocations.

I am, gentlemen, with high respect,

Your friend and servant,

EDWARD EVERETT.

Messrs. Stephen Fairbanks,
James L. Homer,
James Clark.

ADDRESS.

Mr. President and Gentlemen,

I beg leave to congratulate you on the success of your efforts to establish the first fair of the Massachusetts Charitable Mechanic Association. Under circumstances somewhat unfavorable, you have produced an exhibition which, I am persuaded, has fully answered the public expectation. More than fifteen thousand articles, in almost every department of art, have been displayed in the halls. Specimens of machinery and fabrics, reflecting great credit on their inventors, improvers, and manufacturers, many of them affording promise of the highest utility, and unitedly bearing a very satisfactory testimony to the state of the arts in this country, and particularly in this community, have been submitted to the public inspection. The exhibitors have already, in the aggregate, been rewarded with the general approbation of the crowds of our fellow-citizens, who have witnessed the display. It will be the business of your committees, after a critical examination of the articles exhibited, to award enduring testimonials of merit. But the best reward will be the consciousness of having contributed to the common stock of the public welfare, by the successful cultivation of the arts so important to the improvement of society and the happiness of life.

I feel gratified at being invited to act as the organ of your Association, in this general expression of its sentiments, on so

interesting an occasion. It would be a pleasing employment to attempt an enumeration and description of some of the most important of the articles exhibited. But it would be impossible to accomplish this object, to any valuable purpose, within reasonable limits. It would require a condensing apparatus more efficient than any which has yet been contrived, to bring even a descriptive catalogue of the articles exhibited, within the compass of a public address; — to give a full account of the most important of them, would demand no small portion of the knowledge and skill required for their fabrication. The nature of this occasion prescribes a much simpler character to the remarks I shall submit to your indulgence. It will be my sole object to establish, by a few obvious illustrations, the vast importance of the Mechanic Arts. In pursuing this end, the greatest difficulty to be overcome is, that the point to be established is too certain to be proved, and too generally admitted to need a formal assertion.

Man, as a rational being, is endowed by his Creator with two great prerogatives. One is the control over matter and inferior animals, which is physical power; — the other the control over kindred mind, which is moral power; and which, in its lower forms, is often produced by the control over matter: so that power over the material world is, practically speaking, a most important element of power in the social, intellectual, and moral world. Mind, all the time, is the great mover; but surrounded, — encased, — as it is with matter, acting by material organs, treading a material earth, incorporated and mingled up with matter, — I do not know that there is any thing but pure, inward thought, which is not dependent upon it; and even the capacity of the mind for pure thought is essentially affected by the condition of the material body, and by external circumstances acting upon it.

This control of mind over matter is principally effected through the medium of the mechanic arts, taking that term in its widest acceptation. The natural faculties of the human frame, unaided by artificial means, are certainly great and wonderful; but they sink to

nothing compared with the power which accrues from the skilful use of tools, machines, engines, and other material agents. Man, with his unaided strength, can lift but one or two hundred weight, and that but for a moment; with his pulleys and windlasses, he sets an obelisk upon its base, — a shaft of solid granite a hundred feet high. The dome of St. Peter's is one hundred and twenty feet in diameter; its sides are twenty-two feet in thickness, and it is suspended in the air at an elevation of three hundred and twenty feet from the ground, — and it was raised by hands as feeble as these. The unaided force of the muscles of the human hand is insufficient to break a fragment of marble, of any size, in pieces; but, on a recent visit to the beautiful quarries in Sheffield, from which the columns of the Girard College at Philadelphia are taken, I saw masses of hundreds of tons, which had been cleft from the quarry by a very simple artificial process. Three miles an hour, for any considerable space of time, and with ample intervals for recreation, food, and sleep, are the extreme limit of the locomotive capacity of the strongest frame, and this confined to the land. The ARTS step in: by the application of one portion of them to the purposes of navigation, man is wafted, night and day, alike waking and sleeping, at the rate of eight or ten miles an hour, over the unfathomed ocean; and, by the combination of another portion of the arts, he flies at the rate of fifteen or twenty miles an hour, and if need be with twice that rapidity, without moving a muscle, from city to city. The capacity of imparting thought, by intelligible signs, to the minds of other men, — the capacity which lies at the foundation of all our social improvements, — while unaided by art, was confined within the limits of oral communication and memory. The voice of wisdom perished, not merely with the sage by whom it was uttered, but with the very breath of air on which it was borne. ART came to the aid of the natural capacity; and, after a long series of successive improvements, passing through the stages of pictorial and symbolical representations of things, — the different steps of hieroglyphical writing, (each occupying, no doubt, long periods of time for its

discovery and application,) — it devised a method of imprinting on a material substance an intelligible sign, not of things, but of sounds forming the names of things; — in other words, it invented the A B C. With this simple invention, and the mechanical contrivances with which it is carried into effect, the mind of man was, I had almost said, re-created. The day before it was invented, the voice of man, in its utmost stretch, could be heard but by a few thousands, intently listening for an hour or two, during which alone his strength would enable him to utter a succession of sounds. The day after the art of writing was invented, he stamps his thoughts on a roll of parchment, and they reach every city and hamlet of the largest empire. The day before this invention, and the mind of one country was estranged from the mind of all other countries. For almost all the purposes of intercourse, the families of man might as well not have belonged to one race. The day after it, and Wisdom was endued with the gift of tongues, and spake by her interpreters to all the tribes of kindred men. The day before this invention, and nothing but a fading tradition, constantly becoming fainter, could be preserved by the memory, of all that was spoken or acted by the greatest and wisest of men. The day after it, Thought was imperishable; it sprung to an earthly immortality; it seized the new-found instruments of record and commemoration, and, deserting the body as it sunk with its vocal organs into the dust, it carved on the very grave-stone, "The mind of man shall live forever."

It would be easy to multiply these illustrations of the importance of the aid rendered by the arts to the natural faculties of man. They present themselves to the reflecting mind in every direction; and they lead the way to the conclusion, that the mechanical arts are the great instruments of human civilization. We have some means of judging what man was before any of the useful arts were discovered, because there exist on the surface of the globe many tribes and races nearly or quite destitute of them; as, for instance, the native inhabitants of this continent. We know

not with certainty, it is true, whether these and other savage races are specimens of humanity, disjoined from the parent stock, before great progress had been made in civilization, or broken down and degenerate fragments of nations once cultivated, and retaining, even in their present degraded condition, some remnants of primitive improvement. There are some circumstances which favor the latter opinion, and consequently they do not afford us a perfect specimen of what man would be, before the discovery of any of the useful arts of life. But we may see enough in them to learn how much of all our civilization resides in these arts; that, in fact, civilization may almost be considered another word for their aggregate existence and application. For it is a somewhat humiliating reflection, that, in many things dependent on the human organs and senses,—unaided by the arts,—the savage greatly excels the most improved civilized man. Thus man, with one set of glasses, penetrates the secret organization of the minutest insect or plant,—marks the rise of the sap in the capillaries of a blade of grass, counts the pulsations of the heart in an animalcule a hundred times smaller than the head of a pin; while, with another set of glasses, he fills the heavens with a hundred millions of stars, invisible to the naked eye. To the savage, the wonders of the microscope and the telescope are unknown; but he can, by traces which elude our keenest vision, tell whether it is the foot of friend or enemy which has passed over the grass before his tent in the silence of night; and he can find his way through the pathless and tangled forest without a guide. Civilized man, with his wheels and his steam, runs a race with the winds, but, left to the natural force of his members, soon sinks from fatigue. The indefatigable savage, ignorant of artificial conveyance, outtires, on foot, the hound and the horse; and, while the famished child of civilized life faints at the delay of his periodical meal, a three days' hunger makes no impression on the iron frame of the poor Indian. Civilized man, although surrounded by his arts, with enjoyments that seem to render life a hundred fold more precious, lies drenched in sleep

one third of his precious hours, and may well envy the physical training which enables his hardy brother of the forest, when occasion requires, to bid defiance, night after night, to the approach of weariness.

But this superiority which the savage possesses over civilized man, in the discipline of some of the natural capacities of our frame, is turned to little account of human improvement and happiness, for want of those arts which create, combine, and perpetuate the powers and agents by which our wants are supplied. — Even the few comforts of which his forlorn condition is susceptible are mostly derived, not from this superior training of his natural faculties and senses, but from his possession of some few imperfect arts. The savage needy at best, without his moccasins, his snow-shoes, his dressed buffalo skin, his hollowed tree or bark canoe, his bow and arrow, his tent and his fishing gear, would be a much more abject being. And these simple inventions, and the tools and skill required by them, no doubt occupied a considerable period in the early history of our race. But the great difference between savage and civilized life consists in the want of those more improved arts, — the products of which we have been contemplating, — by which no inconsiderable quantity of human power and skill can be transferred to inanimate tools and machinery, and perpetuated in them; — the arts whereby the grasp of the hand, which soon wearies, can be transferred to the iron gripe of the vice, the clamp, the bolt, that never tire; the arts by which stone, and metal, and leather, and wood, may be made to perform the offices of poor flesh and bone. The savage, when he has parched his corn, puts it in a rude mortar, which with infinite toil he has scooped out of a rock, and laboriously pounds it into meal. It is much, if, in this way, he can prepare food enough to keep him alive while he is preparing it. The civilized man, when he has raised his corn, builds a mill with a water-wheel, and sets the indefatigable stream to grinding his grain. There are now two or three laborers at work; — one, it is true, with forces which soon weary, and which

can only be kept up by consuming a part of the corn as fast as it can be made into food, but endowed with an untiring and inexhaustible invention; — the other patient fellow-laborers of wood and iron, the stream, the wheel, and the mill-stone, without capacity for head-work, are willing to grind corn all day, and not ask a mouthful back by way of sustenance. — Civilization is kept up by storing the products of the labor thus economized, and imparting a share of it to those engaged in some other pursuit, who give a portion of its products in exchange for food.

Take another illustration in the arts employed in furnishing the clothing of man. The savage, when he has killed a buffalo and dried his skin, prepares it with the manual labor of several weeks for a garment; — a substantial and sightly garment; but it has taken him a long time, and he has made but one. The civilized man, having a world of business on his hands, has contrived a variety of machines, which perform almost all the work required for his clothing. He cuts a mass of curled wool from the sheep's back, — a confused, irregular heap of fibrous threads, which would seem to defy the skill and industry of the artificer. How long will it not take the busiest pair of fingers to piece those fibres together, end to end, to lay them side by side, so as to give them substance, coherence, dimensions, — to convert them into a covering and defence, excluding cold and wet! The savage, in taking the skin, seems to have made the wiser choice. Nature has done the spinning and weaving to his hand. — But wait a moment: — there is a group of iron-fingered artificers in yonder mill will show you a wonder. They will, with a rapidity scarcely conceivable, convert this uncouth fibrous heap into a uniform mass; they will draw out its short, curly fibres into long, even threads, — lay them side by side, and curiously cross them over and under with magical dexterity, till they form a compact tissue, — covered with a soft down and a glossy lustre, — smooth, impervious, flexible, — in quantity sufficient to clothe a family for a year, with less expense of human labor, than would be required to dress a single skin.

Consider the steam engine. It is computed that the steam power of Great Britain, not including the labor economized by the enginery it puts in motion, performs annually the work of a million of men. In other words, the steam engine adds to the human population of Great Britain another population, one million strong. Strong it may well be called. What a population! so curiously organized, that they need neither luxuries nor comforts, — that they have neither vices nor sorrows, — subject to an absolute control without despotism, — laboring night and day for their owners, without the crimes and woes of slavery; a frugal population, that wastes nothing and consumes nothing unproductively; an orderly population, to which mobs and riots are unknown; among which the peace is kept without police, courts, prisons, or bayonets; and annually lavishing the product of one million pairs of hands, to increase the comforts of the fifteen or twenty millions of the human population. — And yet the steam engine, which makes this mighty addition to the resources of civilization, is but a piece of machinery. You have all seen it, both in miniature and on a working scale, at the halls. In the miniature model, (constructed by Mr. Newcomb of Salem,) it can be moved by the breath of the most delicate pair of lips in this assembly; and it could easily be constructed of a size and power, which would rend these walls from their foundation, and pile the roof in ruins upon us. And yet it is but a machine. There is a cylinder and a piston; there are tubes, valves, and pumps, — water, and a vessel to boil it in. This is the whole of that enginery, with which the skill and industry of the present age are working their wonders. This is the whole of the agency which has endowed modern art with its superhuman capacities, and sent it out to traverse the continent and the ocean, with those capacities which Romance has attributed to her unearthly beings: —

> Tramp, tramp, along the land they ride,
> Splash, splash, across the sea.

It is wholly impossible to calculate the quantity of labor economized by all the machinery which the steam engine puts in motion. Mr. Baines* states, that the spinning machinery of Great Britain, tended by one hundred and fifty thousand workmen, "produces as much yarn as could have been produced by FORTY MILLIONS OF MEN with the one-thread wheel!" Dr. Buckland remarks, that it has been supposed that "the amount of work now done by machinery in England is equivalent to that of between three and four hundred millions of men by direct labor."†

This prodigious economy and accumulation of power, effected by the mechanic arts, are occupied in supplying the wants and promoting the comfort of man. When, therefore, the ingenious artisan makes an improvement in a useful machine, he economizes labor, creates power, accumulates usefulness, and promotes the progress of civilization. I doubt not, if it were possible to write the secret history of the mechanic arts, (if I may so express myself,) — to trace the most important manufactures and machines through their various stages to their origin, — to show how, by the addition of a spring here, a cog there, a knee-joint in this place, a perpetual screw in that, or a system of these powers, the most complicated engines have been brought from the humblest beginnings to their present condition, — it would appear that a single mechanical improvement had often had the effect of adding thousands and tens of thousands of horse power and man power to the productive energy of the community. The astonishment and admiration with which we should survey the wonders of modern machinery, are impaired by not knowing, more generally than the mass of men can know, the stages through which it has passed, and the mental efforts which have been expended in improving it. There is an untold, probably an unimagined amount of human talent, — of high mental power, — locked up among the wheels and springs of the machinist; a force of intellect of the loftiest character has been required to make this

* Baines's History of the Cotton Manufacture, p. 362.

† Buckland's Geology and Mineralogy, Vol. I. p. 400.

department of human pursuit what it is. This stunning din, this monotonous rattle, this tremendous power, and the quiet, steady force of these humble, useful, familiar arts, result from efforts of the mind, kindred with those which have charmed or instructed the world with the richest strains of poetry, eloquence, and philosophy.

These improvements have sometimes been long delayed, and art, for ages, has been stationary; and then, by the happy development of some mechanical contrivance, it has made boundless progress in an age. It is not yet, I believe, more than two or three centuries, since the only mode of spinning known was by the rock and spindle. The simple spinning-wheel, moved by the hand, and which was thought, in the times of our grand-parents, to show a graceful form and a well-turned arm to nearly as much advantage as a harp at the present day, and to make a music almost as cheerful, is at once an obsolete and a modern invention. The Greeks and Romans are said to have been unacquainted with the spinning-wheel. The monarch's heavy purple and the nymph's airy tissue were alike manufactured by twirling the distaff, and drawing out a thread with the fingers; — and no improvement was made on this tedious process, in Great Britain, before the fifteenth century. It is evident that much more labor must have been requisite, with this rude machinery, to supply the indispensable article of clothing, than with the modern improvements. The introduction of the spinning-wheel produced a great economy of this labor; but the introduction of the spinning and weaving machinery of the last century, has pushed this economy to an extent, at which it is in vain to attempt to calculate it. This economy operates, first, to multiply the comforts of the existing population, and then, by necessary consequence, to increase the population capable of subsisting in a given circuit. Yes, the man who, in the infancy of the arts, invented the saw or the plane, the grindstone, the vice, or the hand-mill; and those who, in later periods, have contributed to the wonderful system of modern machinery, are entitled to rank high among the benefactors of mankind, — the fathers of civilization, — the creators, I had almost said, of nations. No, it is not the

fabulous wand of the enchanter, it is the weaver's beam, and instruments like it, which call thousands and tens of thousands into being. Mind, acting through the useful arts, is the vital principle of modern civilized society. The mechanician, not the magician, is now the master of life. He kindles the fires of his steam engine, — the rivers, the lakes, the ocean, are covered with flying vessels; mighty chain-pumps descend, clanking and groaning, to the deepest abysses of the coal mine, and rid them of their deluging waters; and spindles and looms ply their task as if instinct with life. It is the necromancy of the creative machinist. In a moment a happy thought crosses his imagination, — an improvement is conceived. Some tedious process can be superseded by a chemical application, as in the modern art of bleaching. — Some necessary result can be attained, in half the time, by a new mechanical contrivance; — another wheel — a ratchet — a screw will effect the object; he tries a few experiments; it will succeed; it is done. He stamps his foot, and a hundred thousand men start into being; not, like those which sprang from the fabled dragon's teeth, armed with the weapons of destruction, but furnished with every implement for the service and comfort of man. It is stated by James Watt, (before whose time the steam engine was an imperfect and inefficient machine,) that the moment the notion of "separate condensation" struck him, all the other details of his improved engine followed in rapid and immediate succession, so that, in the course of a day, his invention was so complete that he proceeded to submit it to experiment.* Could that day be identified, it would well deserve an anniversary celebration by the universal tribes of civilized man.

I have said that mind, acting through the mechanic arts, is the vital principle of modern civilized society. I would be the last to undervalue the importance of moral and intellectual influences, or to

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* Lardner's Popular Lectures on the Steam Engine, p. 61. Dr. Lardner, in the context of the passage above quoted, speaks of the notion of "separate condensation" as the "happy conception which formed the first step of that brilliant career which has immortalized the name of Watt, and which has spread his fame to the very skirts of civilization."

seem to give undeserved countenance to the mechanical tendency of the age. On the contrary, I look upon the intellectual and moral influence of the useful arts, as the most important aspect, in which the subject can be contemplated. The immediate result of every improvement in these arts, as has been already stated, often is, and always might and should be, by making less labor and time necessary for the supply of human wants, to raise the standard of comfortable living, — increase the quantity of leisure time applicable to the culture of the mind, — and thus promote the intellectual and moral progress of the mass of the community. That this is the general tendency of a progress in the useful arts, no one can doubt, who compares the present condition of the world with its condition in the middle ages; and the fact is confirmed by the history of single inventions. I have already spoken of alphabetical writing. Pliny remarks of the Egyptian reed, (the first material of which paper was made,) that on this reed rested the immortality of man. The thought, though savoring of heathenism in the expression, is just. This single art of alphabetical writing was a step absolutely essential in the moral and intellectual progress of our race. To speak of the art of printing, in its connection with morals and mind, would be as superfluous as it would be difficult to do justice to the topic. Its history is not so much an incident as the summary of modern civilization. — Vast as the influence of this art of arts has been, it may well be doubted whether improvements will not yet be made, in the mechanism connected with it, which will incalculably increase its efficiency. If I mistake not, the trumpet-voice of Truth from this machine is yet destined to reach to distances and depths of society, which have hitherto remained unexplored and neglected.

Again, in reference to the intimate connection of the useful and mechanic arts with intellectual progress, let us but advert for a moment to the mariner's compass, the telescope, the quadrant. For myself, I never reflect upon their influence on the affairs of man, and remember that they are, after all, merely mechanical contrivances, without emotions of admiration bordering upon awe. This sentiment, I

know, is so worn away by habit, that it seems almost to run into sentimentality. But let us not be ashamed to reproduce the emotions that spring from the freshness of truth and nature. What must not have been Galileo's feelings when he pointed the first telescope to the heavens, and discovered the phases of Venus and the moons of Jupiter! When I behold the touched needle trembling to the pole, — when I know that, beneath the utter blackness of the midnight storm, when every star in heaven is quenched, and the laboring vessel, in mid-ocean, reels like a drunken man on the crested top of the mighty waves, that little bar of steel will guide the worn and staggering helmsman on his way, — I feel that there is a holy philosophy in the arts of life, which, if I cannot comprehend, I can reverence.

Consider the influence on the affairs of men, in all their relations, of the invention of the little machine which I hold in my hands; and the other modern instruments for the measurement of time, various specimens of which are on exhibition in the halls. To say nothing of the importance of an accurate measurement of time in astronomical observations, — nothing of the application of time-keepers to the purposes of navigation, — how vast must be the aggregate effect on the affairs of life, throughout the civilized world, and in the progress of ages, of a convenient and portable apparatus for measuring the lapse of time! — Who can calculate in how many of those critical junctures when affairs of weightiest import hang upon the issue of an hour, Prudence and Forecast have triumphed over blind Casualty, by being enabled to measure with precision the flight of time, in its smallest subdivisions! Is it not something more than mere mechanism, which watches with us by the sick-bed of some dear friend, through the livelong solitude of night, enables us to count, in the slackening pulse, nature's trembling steps toward recovery, and to administer the prescribed remedy at the precise, perhaps the critical, moment of its application? By means of a watch, punctuality in all his duties, — which, in its perfection, is one of the incommunicable attributes of Deity, — is brought, in no mean measure, within the reach of man. He is enabled, if he will be guided

by this half-rational machine, creature of a day as he is, to imitate that sublime precision which leads the earth, after a circuit of five hundred millions of miles, back to the solstice at the appointed moment, without the loss of one second, no, not the millionth part of a second, for the ages on ages during which it has travelled that empyreal road.* What a miracle of art, that a man can teach a few brass wheels, and a little piece of elastic steel, to out-calculate himself; to give him a rational answer to one of the most important questions which a being travelling toward eternity can ask! What a miracle, that a man can put within this little machine a spirit † that measures the flight of time with greater accuracy than the unassisted intellect of the profoundest philosopher; which watches and moves when sleep palsies alike the hand of the maker and the mind of the contriver, nay, when the last sleep has come over them both! I saw the other day, at Stockbridge, the watch which was worn on the 8th of September, 1755, by the unfortunate Baron Dieskau, who received his mortal wound on that day, near Lake George, at the head of his army of French and Indians, on the breaking out of the seven years' war. This watch, which marked the fierce, feverish moments of the battle as calmly as it has done the fourscore years which have since elapsed, is still going; but the watch-maker and baron have now for more than three fourths of a century been gone where time is no longer counted. Frederic the Great was another and a vastly more important personage of the same war. His watch was carried away from Potsdam by Napoleon, who, on his rock in mid-ocean, was wont to ponder on the hours of alternate disaster and triumph, which filled up the life of his great fellow-destroyer, and had been equally counted on its dial-plate. The courtiers used to say, that this watch stopped of its own accord, when Frederic died. Short-sighted

* It is not, of course, intended that the sidereal year is always of precisely the same length, but that its variations are subject to a fixed law. See *Sir John Herschel's treatise on Astronomy*, § 563.

† Inclusus variis famulatus spiritus astris
Et vivum certis motibus urget opus.
Claudian. in Sphær. Archimedis.

adulation! for if it stopped at his death, as if time was no longer worth measuring, it was soon put in motion, and went on, as if nothing had happened. Portable watches were probably introduced into England in the time of Shakspeare; and he puts one into the hand of his fantastic jester, as the text of his morality. In truth, if we wished to borrow from the arts a solemn monition of the vanity of human things, the clock might well give it to us. How often does it not occur to the traveller in Europe, as he hears the hour told from some ancient steeple, — that iron tongue in the tower of yonder old cathedral, unchanged itself, has had a voice for every change in the fortune of nations! It has chimed monarchs to their thrones, and knelled them to their tombs; and, from its watch-tower in the clouds, has, with the same sonorous and impartial stoicism, measured out their little hour of sorrow and gladness to coronation and funeral, abdication and accession, revolution and restoration; victory, tumult, and fire: * — and, with like faithfulness, while I speak, the little monitor by my side warns me back from my digression, and bids me beware lest I devote too much of my brief hour, even to its own commendation.

Let me follow the silent monition, sustained, perhaps, by the impatience of the audience, and hasten to the last topic of my address. The object of our present exhibition is not mere show, however innocent and gratifying. It is to make the community better acquainted with the state of the arts, by a public display of their products; to excite a generous emulation, by their comparison: and thus to lead on our ingenious artificers, improvers, and inventors, to higher degrees of excellence. The astonishing progress of the arts, in modern times, is a subject of the most familiar remark. It would require a volume even to enumerate the most considerable improvements. So numerous are the inventions and discoveries that have been made in every department, and to such perfection have

* The associations here alluded to have lately been rendered familiar to the public by the Mayor's spirited translation and adaptation to music of Schiller's splendid poem of *The Bell*. The idea was originally glanced at in one of Mrs. Elizabeth Montague's Letters.

many arts been carried, that we may, perhaps, be inclined to think that, in the arts, as on the surface of the globe after all the brilliant discoveries in navigation in the last three centuries, there is nothing left to find out. Though it is probable that, in particular things, no further progress can be made, (and even this I would not affirm, with any confidence,) yet, so far from considering invention as exhausted, or art at a stand, I believe there never was a moment when greater improvements were to be expected: and this for the very reason that so much has already been done,—that truth, in its nature, is at once boundless and creative,—and that every existing art, invention, and discovery, is but an instrument of further improvement.—Even when any particular art or machine seems to have reached the highest attainable point of excellence, nothing is more likely than that it will, by some wholly unexpected discovery or improvement, be greatly advanced; or that, by accidental or natural association, it will lead to some other very important improvement in a branch of art wholly dissimilar; or, finally, that it will be superseded by something quite different, but producing the same result.—Take, as an example, the art of printing.—The simple process of printing with movable types and a press moved by hand, does not seem, in the lapse of four hundred years, to have undergone any very material improvement;—but the introduction of solid plates, and the application of artificial power to the press, are improvements wholly disconnected, in their nature, from the art of printing, and yet adding incalculably to its efficacy and operative power.—In a word, the products of art are the creations of rational mind, working with intelligent and diversified energy, in a thousand directions;—bounding from the material to the moral world, and back from speculation to life; producing the most wonderful effects on moral and social relations by material means, and again, in an improved political and moral condition, finding instruments and encouragement for new improvements in mechanical art.—In this mighty action and reaction, we are continually borne on to results the most surprising. Physical and moral causes and effects produce moral and physical effects and causes, and every

thing discovered tends to the discovery of something yet unknown. It rarely, perhaps never, happens that any discovery or invention is wholly original;—as rarely, that it is final. As some portion of its elements lay in previously existing ideas, so it will waken new conceptions in the inventive mind. The most novel mechanical contrivance contains within itself much that was known before; and the most seemingly perfect invention—if we may judge the future by the past—admits of further improvements. For this reason, the more that is known, discovered, and contrived, the ampler the materials out of which new discoveries, inventions, and improvements, may be expected.

Perfect as the steam engine seems, it is a general persuasion that we are in the rudiments of its economical uses. The prodigious advances made in the arts of locomotion teach nothing more clearly than the probability, that they will be rendered vastly more efficient. The circulation of ideas by means of the press is probably destined to undergo great enlargement. Analytical chemistry has, within the last thirty years, acquired instruments which enable the philosopher to unlock mysteries of nature before unconceived of. Machinery of all kinds, and for every purpose, is daily simplified and rendered more efficient. Improved manipulations are introduced into all the arts, and each and all of these changes operate as efficient creative causes of further invention and discovery.—Besides all that may be hoped for by the diligent and ingenious use of the materials for improvement afforded by the present state of the arts, the progress of science teaches us to believe that principles, elements, and powers, are in existence and operation around us, of which we have a very imperfect knowledge, perhaps no knowledge whatever. Commencing with the mariner's compass in the middle ages, a series of discoveries has been made connected with magnetism, electricity, galvanism, the polarity of light, and the electro-magnetic phenomena which are occupying so much attention at the present day, all of which are more or less applicable to the useful arts, and which may well produce the

conviction that, if in some respects we are at the meridian, we are in other respects in the dawn of science. In short, all art, as I have said, is a creation of the mind of man; — an essence of infinite capacity for improvement. And it is of the nature of every intelligence endowed with *such* a capacity, however mature in respect to the past, to be at all times, in respect to the future, in a state of hopeful infancy. However vast the space measured behind, the space before is immeasurable; and though the mind may estimate the progress it has made, the boldest stretch of its powers is inadequate to measure the progress of which it is capable.

Let me say, then, Mr. President, and Gentlemen of the Mechanic Association, PERSEVERE. Do any ask what you have done, and what you are doing for the public good; send them to your exhibition rooms, and let them see the walls of the temple of American Liberty fitly covered with the products of American Art. And while they gaze with admiration on these creations of the mechanical arts of the country, bid them remember that they are the productions of a people whose fathers were told by the British ministry they should not manufacture a hob-nail! Does any one ask in disdain for the great names which have illustrated the Mechanic Arts; tell him of Arkwright and Watt, of Franklin, of Whitney, and Fulton, whose memory will dwell in the grateful recollections of posterity, when the titled and laureled destroyers of mankind shall be remembered only with detestation. — Mechanics of America, respect your calling, respect yourselves. The cause of human improvement has no firmer or more powerful friends. In the great Temple of Nature, whose foundation is the earth, — whose pillars are the eternal hills, — whose roof is the star-lit sky, — whose organ-tones are the whispering breeze and the sounding storm, — whose architect is God, — there is no ministry more sacred than that of the intelligent mechanic!

ORDER OF EXERCISES

AT THE ODEON, SEPTEMBER 20, 1837,

ON OCCASION OF THE

FIRST FAIR AND EXHIBITION

OF THE

Massachusetts Charitable Mechanic Association.

PART I.—ANTHEM.

LET us, with a joyful mind,
Praise the Lord, for he is kind;
For his mercies shall endure,
Ever faithful, ever sure.
Hallelujah! Amen.

PART II.—PRAYER,

BY REV. MR. BLAGDEN.

PART III.—HYMN,

BY REV. MR. PIERPONT.

Tune—*America.*

NOT with a conqueror's song
Thy courts, O God, we throng,
For battles gained;
No cannon's sulphurous throat,
No trumpet gives its note,
No banners o'er us float,
With fresh blood stained.

Over no captive kings
Our eagle spreads her wings,
Or whets her beak;
Nor, o'er the battle plain,
Where death-shot fell like rain,
Where lie in gore the slain,
Comes her shrill shriek.

For ART, which thou hast given,
The tribute, due to Heaven,
We come to pay;
ART, that, to deck her halls,
On air and vapor calls,
On winds and waterfalls,
And all obey;—

ART, that, from shore to shore,
Moves, without sail or oar,
'Gainst winds and tides;
Or, high o'er earth and seas,
Sits in her car at ease,
And, heavenward, on the breeze,
Triumphant rides;—

ART, that, through mountain bars,
Breaks, that her horseless cars,
Self-moved, may go;
And, without looking back,
Rolls, on her iron track,
Where the white cataract
Thunders below;—

ART, that, on spool or reel,
Winds the smooth silk or steel,
Spun by her hand;
Then, with her touch of fire,
Draws, from the chord or wire,
Tones that an angel choir
Well might demand;—

ART, that, to thee, MOST HIGH,
Gladly doth sanctify
Her works and powers:
Lord, ere our tongues are still,
Our hands forget their skill,
To thy most holy will
Devote we ours.

PART IV.—ADDRESS,
BY HIS EXCELLENCY EDWARD EVERETT

PART V.—HYMN,
BY THOMAS POWER, ESQ.

Tune—*Old Hundred.*

To thee, O God, our song of praise,
With heart and voice, we humbly raise;
Thy goodness, traced each coming day,
Demands the grateful vows we pay.

As low we bend before thy throne,
As thy great mercy still we own,
Be each desire and hope, subdued,
In love, to thee and man, renewed.

Our fathers owned the Almighty arm,
Ere Art had borne its fairer form:
For higher blessings we have known,
Our thanks are due to thee alone.

While heavenly choirs unceasing swell
A loftier strain than man can tell,
Our latest care, O God, shall be
To bring a tribute worthy thee.

Soon shall each pulse of life be still,
And pride of Art, and human skill:
Then raise the trusting soul in love,
To learn its highest theme above!

To thee, O God, our song of praise,
With heart and voice, we humbly raise:
All creatures join, in love, again,
While skies roll back a loud amen.

PART VI.—BENEDICTION,
BY REV. MR. RIPLEY.

VOLUNTARY ON THE ORGAN,
BY DR. WEBB.

THE

PRIZE BOOK,

N°. I.

OF THE

PUBLICK LATIN SCHOOL

IN BOSTON.

Qui cupit optatam cursu contingere metam,
Multa tulit fecitque puer. *Hor.*

BOSTON:

PUBLISHED BY CUMMINGS AND HILLIARD.

Hilliard & Metcalf, printers.

1820.

PRIZE BOOK.

INTRODUCTION.

It may not be improper on permitting the following juvenile productions to appear in print to repeat a few of the remarks I have already made on the subject of education, with such others as may grow out of the present occasion. And it may not be useless to give also some account of the origin and object of the fund from which the prizes awarded to these productions are furnished; and of the course of studies pursued in the Latin School.

Education, at the present time, seems to have excited a degree of interest in the publick mind greater than at any other period since the settlement of our country. That this subject was ever kept in view by our ancestors, the first settlers of New England, is acknowledged with gratitude, and shewn in our character and publick institutions. And that the *learned languages* were considered important by them appears from the following curious preamble to the first law

of the Commonwealth establishing grammar schools: "It being one chief project of Satan to keep men from the knowledge of the scriptures, as in former times keeping them in unknown tongues, so in these latter times by persuading from the use of tongues, that so at last the true source and meaning of the original might be clouded and corrupted with false glosses of deceivers; to the end therefore that learning may not be buried in the graves of our forefathers, in church and Commonwealth; it is enacted," &c. And we do not feel it any reproach to ourselves, or to our discerning forefathers, who established a course of education adapted to our age and to our wants, that we have not yet seen many distinguished literary men rise up in our youthful republic. It has hitherto been much more important that we should receive form and stability as a nation, than that we should gain a literary precocity, or attempt to shine in those ornaments which belong to wealth and dignity alone.

Although our advancement in literature and science may not have kept pace with our progress in wealth and political importance, it has nevertheless been constant and adequate to our exigencies. And so far from feeling the supercilious sneers and ill-judged remarks of foreigners, or of our own *citizens* who would show us our deficiencies, magnified and distorted through the medium of foreign journals, as

a reproach to us, because we have not men more deeply learned in the various departments of science, literature, and the arts; we feel it a subject of congratulation that we have not; that we understand our circumstances and our interest better than they do; and that we have not deserted the unfinished bulwarks of our nation to erect temples to the Muses, and inscribe *altars to unknown gods.*

But the time has now arrived when it becomes our privilege as well as our policy to enlarge our system of education, and extend the circle of literary inquiry. We are no longer bound to drudge exclusively in the field, the workshop, or the counting house. We have some time now which may be spared to enlighten the mind, cultivate the taste, and qualify us for intellectual enjoyment.

It is true the situation of affairs in Europe may have somewhat affected our commercial interests, and have checked the unnatural current of wealth which for many years has been pouring into our coffers; and which has brought with it a degree of extravagance in living as incompatible with our future prosperity, as it is unreasonable in its demands, and unsatisfying in its effects. Yet this is no reason why literary institutions should want patronage. We should teach our children to seek their happiness in rational and intellectual enjoyments rather than in useless profusion and hurtful luxury. He who forms

his son to a love of letters and qualifies him for the enjoyment of enlighted and highminded society, most effectually guards him from the seductions of vice and sensuality. He even provides for his honourable support with greater certainty than if he left him in possession of unbounded affluence.

But how are we to accomplish an object so desirable as the formation of a literary taste in our children, and how most effectually to aid in promoting the cause of literature in America? There can be but one answer. By patronizing our schools, and greatly enlarging the course of studies in them; especially that of the classics. We must enlist talents and learning in their management, and keep children there much longer. Boys must not be removed to the University at the moment they are prepared to pursue their classical studies to advantage. They should be made thorough and accurate by the authority of a master, and polished by his familiar instructions. They should be assisted till the way becomes easy, and they will pursue it voluntarily. But this will never be the case while the course of study at school continues as circumscribed as it is at present; and while lads are sent mere children to the University at the age of fourteen years: where it depends very much on themselves whether they will study or not; and where, in addition to the Hebrew, Greek, Latin, French and Spanish languages there taught, they are

required within the time they ought to have spent at school, to go through a course of studies in Mathematicks, pure and mixed, Natural Philosophy, History, Logick, Metaphysicks, Ethicks, Rhetorick, Theology, Natural and Political Law, Chymistry, Natural History, &c. &c. Many of these studies require the full strength of mature minds to comprehend them. Who then can doubt where the error of our system of education lies; or wonder that we have not more distinguished scholars among the number of young gentlemen who graduate at the University? Surely the fault is not so much their own, as it is the fault of the system by which they have been hurried on beyond their strength. Discouragement, disgust for study, idleness, dissipation, and a total loss of time and opportunities are too often the consequences of this indiscreet and mistaken course.

At Westminister, Eton, Winchester, and all the principal schools in England, boys are admitted at eight or nine years old; and usually continue there till eighteen. Nine years, exclusively and laboriously devoted to the study of the most elegant and finished models of literature the world has ever produced, must do something towards the formation of a correct and accomplished scholar. During this time the pupil is under such severity of discipline, that he is effectually taught one of the principal lessons of youth, obedience to constituted authority. This is an im-

portant object in every country ; but especially under a free government like our own. Were our sons sent to the University with more knowledge, judgment, and maturity of mind, we might look for higher attainments in science and literature, and should probably hear less of unreasonable disturbances and childish opposition to wholesome regulations.

But it is not enough that a reformation should begin in our schools ; it must be carried on at the University. It will be comparatively of little use to advance lads far beyond the demands of our Colleges, if, after admission, they are not "pushed up to their ripeness." What can be expected of a lad when the necessities of school are shaken off, and he, with his time at his own disposal, is required to perform no more in a week than he can accomplish in a day? Or when he is already acquainted with his month's study at the time it is prescribed? Would it not be better for each class to recite in divisions according to individual attainments and ability, and to make these the measure of the demands upon each student, than to hurry one over more of any study than he can understand in the time allowed, and to leave another in idleness, that they may keep together as to the pages of their books? If a portion of any class can read three times as much Latin and Greek in the time appropriated to that study as the whole amount now read at College, why should they not

be made to do it? There would doubtless be some difficulty with such a division of a class in preserving that equality among its members which now renders each class a perfect bed of Procrustes. But equality of rights would be quite as well preserved, and individuality of scholarship far better understood at the expiration of the course than at present.

Why should eighty or ninety young men and boys with as different capacities, habits, and attainments as can well be conceived, be compelled to go over the *same* portion of the *same* thing in the *same* time? We cannot expect any very distinguished classical scholars till some such arrangement shall be made as will secure whatever may be gained at school, and cherish and confirm the taste partially formed there.

It is well known that the subject of Prosody has received less attention than any branch of literature taught in our schools, and infinitely less than its importance requires. There can be no real elegance in classical attainments, without an intimate acquaintance with prosody.

For without it the melody of versification is lost, and the most refined poetry sinks into disordered and extravagant prose. Correct pronunciation likewise depends in a great degree upon prosody. In addition to these considerations there are innumerable instances in the Latin poets where the interpretation depends upon the quantity of the vowels. Words of

the same spelling often mean quite different things; and the most minute analysis is unable to determine their import without the aid of prosody.

But prosody can be properly learned only by verse-making. This is an exercise so far mechanical, that the dullest intellect need not despair of attaining to accuracy; while at the same time it gives unlimited scope to invention, and affords the finest field for the cultivation of classical taste and delicacy of perception. It is perhaps the best possible discipline for a lad familiar with grammatical analysis till he can write Latin verses with accuracy and ease.

Lads trained in this way will never outgrow their acquisitions, which, by indissoluble association, become incorporated with their mental system, and form a part of the intellectual man. It is not so with the knowledge acquired by merely scanning the poets, and learning the rules which grammarians have made respecting quantity. It is not the position of a vowel that should suggest its quantity and the rule by which it may be proved; but it is a knowledge of the quantity and the authority, which should determine its position and legitimate use. It is not uncommon for a lad well acquainted with the rules of prosody, and able to cite them with great facility for any verse in Virgil or Horace, to make several mistakes in writing a single verse, when he begins this exercise.

But facility and taste in making Latin verses are the result of much labour. Sufficient time can hardly be afforded from the hours of school for this subject, or sufficient inducement offered lads to devote their leisure hours out of school, without some special incentive. And no incentive is found so powerful in its effects, or so constant in its operation, as that arising from ambition. This is the deep and never failing principle in our nature of which the general, the statesman, and the teacher have in all ages availed themselves with success. At no period of life can this principle be employed with more happy effects than in youth, if skilfully managed. The task to be performed from *necessity* alone is by the magic of ambition converted from a dull, oppressive burden, to a bright and animating object of hope. The mind which laboured unwillingly before, and saw no other reward of all its toil than exemption from punishment, or the gratification of cold, unsympathising authority, now all life, elasticity, and joy, welcomes the task, however arduous, as a new field for enterprize, a new subject for conquest.

I am aware there is a prejudice in the minds of some against emulation as a principle of excitement in education. They think it produces envy, hatred, and other evil passions; and injures the temper and character of children. That solitary instances of this kind may have happened, there can be no doubt.

But they have happened from unskilful management on the part of the instructer, or in tempers badly regulated, and predisposed to the indulgence of bad passions. But these passions are not the legitimate offspring of emulation; they grow out of its abuses. If envy and hatred were the usual effects of emulation, one would expect to see some traces of these passions in a public school of nearly two hundred lads, from families of every rank in society, pursuing the same course, conducted professedly upon this principle. But it is not so. The rival competitors who are nearest to an equality—the most distinguished for talents and attainments in each class, are uniformly found to be most intimate and most attached to each other. This is a curious fact, but one often observed in witnessing the amusements of boys out of school, as well as their deportment in it. I do not recollect an instance during six years of instruction where a lad has become an object of dislike to his schoolfellows, or to any one of them, from his success in the career of ambition. Impartiality is all that boys wish; let them be satisfied that one deserves his promotion or distinction, and not a murmur is heard, or an unkind feeling awakened.

These remarks may seem almost superfluous at a time when this subject is so well understood generally; and they would not have been made, but that contrary sentiments are known to exist in the minds of some

whom we have reason to respect. They have even been enforced with feeling and eloquence worthy of juster views from the sacred desk, within a short time, in the town of Boston. But they must be considered the result of a morbid sensibility rather than a fair exhibition of a mind on other subjects judicious and correct.

A few gentlemen interested in the cause of Classical literature, and in the Latin School particularly, who believe in the importance of emulation as a principle in education, have been induced to raise, by subscription, a fund of one hundred and ten dollars annually for five years, under the care of the selectmen or school committee, "to be expended in prizes for the best performances in prose and poetry in the Latin and Greek languages, and in such other rewards for excellence as may be thought best calculated to stimulate the pupils to exertion, and to keep alive a spirit of emulation and literary ardour through the various departments of the public Latin School in the town of Boston." In addition to this they have placed at interest between three and four hundred dollars to be accumulating till the expiration of these five years, towards a permanent fund, the interest of which is to be appropriated to the same object when the annual subscription shall have expired. This fund is intended also to furnish rewards for industry to such lads as labour harder than some of their more favoured

schoolfellows, who, with much less exertion, keep far before them. It is now thought proper to allow a few of the best performances that have obtained prizes to be printed for the gratification of parents whose children are at the school, and to exhibit to the gentlemen, by whose liberality the fund has been established, the first fruits of their munificence. An additional inducement will likewise be offered lads by this course to make greater exertions to produce something worthy of this distinction.

The present form is preferred to the usual one of printing each piece on a separate sheet; as the performances will be more easily preserved for comparison from year to year, in order to mark the progress of the school. An opportunity will likewise be offered from time to time of throwing out a few hints on the subject of education. The Prize Book will be published once a year; and in addition to the matter furnished by the school, will receive any communication calculated to promote the interest of good letters and sound learning.

Boys are admitted to the Publick Latin School but once a year. The time of admission is the Friday next preceding the Commencement at Cambridge. Candidates for admission must be nine years old at least; well acquainted with the stops and marks used in writing, and with the various sounds and powers of letters; they must be able to write, and

to read fluently; and to parse English Grammar, unless they have a knowledge of Latin, which shall be considered equivalent.

The regular term of continuance in the School is five years. During the three first, Latin and Greek are taught *exclusively*. But lads are in the mean while dismissed at eleven o'clock, that they may attend some private school for reading, writing, and the elements of arithmetic. For the two last years they are detained till twelve o'clock; and in addition to their classics, they are taught Geography, Rhetoric, Arithmetic, Geometry, and Algebra. All are admitted to declamation once a week; and all speak by turns in divisions, after the first year, during which they are spectators. The books used are Adams' Latin Grammar, Liber Primus, Viri Romæ, Selectæ e Profanis, Willymotte's Ovid's Met. Cæsar's Commentaries, Wilson's Sallust, Virgil Delphini, Electæ ex Ovidio et Tibullo, Cicero's Select Orations, Horace Expur. Juvenal Del. Dana's Latin Tutor, Valpy's Elegantiæ Latinæ, Bradley's Prosody, Steps to Sense Verses, Walker's Classical Key, Lempriere's Classical Dictionary, Gradus ad Parnassum, Ainsworth's or Entick's Latin Dictionary, Tooke's Pantheon, Webber's and Lacroix's Arithmetic, Euler's Algebra, Playfair's Euclid, Cummings' Geography, Gloucester Greek Grammar, Valpy's Greek Delectus, Neilson's Greek Exercises, Col. Gr. Minora, Greek Testament, Xeno-

phon's Anabasis, Homer's Iliad, and Wyttenbach's Greek Historians, Schrevelius' and Hedericus' Greek Lexicons.

B. A. G.

Publick Latin School,
Boston, 18th Aug. 1820.

CLASSICAL EDUCATION.

Quo semel est imbuta recens, servabit odorem
Testa diu.——

THE value of Classical learning is so generally acknowledged by liberal minds, that any attempt to set forth its advantages, at the present day, will probably appear superfluous. As, however, some persons may exist hardy enough to oppose its progress, or, what is more common, so indifferent as to treat it with neglect, a few pages of this publication cannot be better employed, than in affording for consideration some observations on the superiority of Classical Education over any other. It is certain that nothing more contributes to the well-being of any society than the competent education of all its members, or of as large a proportion as possible; and he, therefore, who first devised a successful scheme of instruction, made a considerable addition to the general stock of moral and intellectual improvement, and promoted in the greatest degree the social order and happiness of mankind. The science of education, if it may be so called, has

been well divided into three branches, all bearing intimate relation to each other, and tending equally to produce a combined and beneficial result. They have been denominated the Physical, the Moral, and the Intellectual. To the two former no allusion need be made, they being left by our system of education entirely to the parent. These remarks have reference to the last; and their object is to demonstrate, that a Classical education is most eligible, most advantageous, and in the present state of society, most necessary. By Classical education is meant the obtaining admission to the boundless stores of science, opened by a familiar acquaintance with the transcendent models of excellence to be found in Grecian and Roman literature; and it is contended that this education is most eligible, as it conduces more than any other yet discovered, to refine the mind of man, to imbue him with a purer taste, to elevate his thoughts, to exalt his hopes, and finally to render him a virtuous and, consequently, a useful member of the great family to which he belongs. It is most advantageous, as it is the readiest initiation into all other scientific pursuits, the ground-work of all the learned professions, and the means of acquiring that exalted pleasure of the mind, which is inseparable from a refined and cultivated taste. It is above all necessary, inasmuch as general information being happily so extensively diffused in this country, the only rational and infalli-

ble distinction between man and man is in their mental powers and acquirements; and he, therefore, who with a laudable ambition seeks to be a little better than his neighbour, must of necessity ground his pretensions solely on his moral and intellectual superiority. The surest means of enlarging the understanding, and promoting general science, appear to be the study of the Greek and Latin languages, and this has always been the basis of a liberal and polite education. So popular has this study become, that in every nation where learning is valued, the Classics have been unanimously admired. The poets, the historians, and the orators of antiquity, have been the literary idols of every age since the revival of learning, and to the mild charms of Classical accomplishment may undoubtedly be attributed the great moral and social refinement of the present day. The chaste loveliness of Athens has delighted the glowing fancy of every enthusiastic student from the days of Cicero to our own: nay, even they whose years have passed the season of romantick ardour, and whose pulse more temperately keeps time, could scarcely explore the site of Thermopylæ, or stand upon the field of Marathon, without envying the death of the "Three hundred," or sighing for the laurelled brow of Miltiades! It is natural then that the attention of youth should be directed to the language of that people in particular; and that there should be some who hail

with joy the star of Classical literature, which has at length emerged in the horizon. May it blaze shortly in unrivalled lustre, and with benign influence vivify and expand the innate energies of our literary being!

It is very material that the opening powers of the youthful mind should be watched with care, and a proper direction given to them. Above all, it is necessary that a feeling of interest for, and a curiosity after learning should be early excited. Now there are few subjects better calculated to employ the faculties and rouse the attention of youth at the earliest age, than the study of the dead languages. The memory, which even now possesses great retentive powers, is thus first called into active exercise; and it is probable that the judgment and reason are as completely brought into play in committing and applying the rules of grammar, as they are afterwards in the profoundest investigations of philosophy. In the mean time the imaginative powers and the taste are created, expanded, and nourished by the constant bursting forth of new beauties, the delight experienced in the discovery of which amply repays the most laborious exertions, and serves as a stimulus to further researches. Let no one then object to the tediousness of the way, when the end of the toil is so delightful; nor complain of delay on the threshold, when he is to be so richly rewarded by the banquet within. Through a variety of intricate and arduous paths the youth is

conducted at last into a new world of splendors, which custom and acquaintance can never dim, and where every vision which in succession opens its enchantment to the view, is consecrated by powerful associations, and by imagery at once the most interesting and permanent. The great benefit of Classical learning, and what produces a corresponding effect is, that it elevates those who would otherwise grovel on the earth, and pass their days in ignoble indolence of mind, to higher and brighter prospects; while it not only leaves unpolluted the purer feelings of religion and virtue, but creates a more ardent desire of truth, with great additional means of information and discovery. And this is the light in which Classical knowledge ought to be considered. Objections may be raised in some narrow minds, but they must fall before the undeniable fact, that all of wisdom, reasoning, refinement, the world at this moment possesses, is derived from this source. If it be asked how the morals are improved by a Classical education, the reply is, that ancient history affords the purest models of virtue any where to be met with; and the youth who enters with enthusiam into the struggles, feelings, and domestic character of the hero of Troy—who accompanies the "Ten thousand" with admiration in their glorious retreat—who fights for liberty with the Spartan at Thermopylæ—and gazes with delight on Athens shaded by the laurels of Marathon, cannot but rise

from his studies with a more glowing philanthropy, a nobler independence, and a more elevated ambition. Let him imagine he hears the thunder of Demosthenes, and he feels himself already an orator—let him but walk in fancy with Socrates and Plato in the academic groves, and he will feel the full effect of reason, piety, and virtue! Let him then turn to Rome, and her mighty names, from Brutus to Brutus, will by turns excite his sympathy, and kindle his emulation. And can any one quit such studies without moral as well as intellectual improvement? Will not the taste be refined, and the predominant feeling be that of vivid admiration of those illustrious persons whose virtue he has resolved to imitate. These are some of the benefits to be derived from an acquaintance with the ancient languages—benefits not to be gained by the study of translations, the pernicious use of which by youth cannot be too severely reprobated—and such is the effect which must be produced by their knowledge on every well constituted mind.

In noticing the rapid advancement which general education is making, it is particularly gratifying to perceive the enhanced value which Classical learning possesses in this country. Latin is universally taught in the schools, and the increasing attention paid to prosody and versification in the various seminaries around us, merits the warmest approbation. There is reason to regret that the study of Greek has not

experienced the same respect. It apparently still labours under prejudice, and in spite of the meritorious exertions of some learned individuals seems to make but tardy progress. The absence of all reward for proficiency has often been alluded to, as a cause why this rich and noble language has not been more effectually and vigorously cultivated among us. Looking at the scholarships in Universities abroad, founded by liberal patrons of learning expressly for the reward of distinguished merit in this branch of literature, it is anxiously to be hoped that the time is not far distant when similar foundations in our own Alma Mater will excite the attention, stimulate the inquiries, and reward the proficiency of our scholars in a language, which possesses in itself such beauty and utility, that the labour bestowed on its acquisition is trivial indeed compared to the pleasure and solid advantage to be derived from its knowledge. And however unpopular and unnecessary it may seem with many persons to devote any considerable portion of time to this language, it is undeniable that until a much greater knowledge of it than we at present possess is attained and diffused among us, we cannot be said to possess Greek scholarship, without which no one can be esteemed truly learned, however great his proficiency in Latin. For it must be recollected, the similitude being so strong between the manners and customs of the Greeks and Romans, the former

of whom communicated their laws and erudition to the latter, that the Latin writers abound with Greek words and expressions, which, unless they are understood in the original, must of necessity very much impede the student's knowledge of Latin. If it be added to this, that the Roman poets are so full of Græcisms, that recourse must frequently be had to that language in order to understand them, it may be repeated that Greek learning is so necessary to the character of a scholar, that not even a tolerable acquaintance with Latin can exempt one from the accusation of being illiterate unless a knowledge of Greek be superadded.

To a native of this country a consideration presents itself of peculiar interest in the study of Greek. It was the language of the most heroick and renowned republicks of the ancient world, of the politest, bravest, and the wisest of men; and a complete knowledge of it cannot but have superior charms for the mind imbued with the love of liberty, and national renown. To mention only a few brilliant names amid the splendid constellation which illumines the history of ancient Greece, let us remember this was the language of the severe and impassioned Demosthenes, of that Pericles, who was so expressively called the meteor of his time: of the thoughtful Solon, the placid Socrates, the harmonious Xenophon, and the majestic Plato. In this language have been handed

down to us the immortal works of the philanthropic Homer, the sublime Œschylus, the polished Sophocles, the pathetic Euripides, the humorous Aristophanes, and the wild and rapid Pindar. The man of peace and letters must necessarily love this language, when he reflects that Greece was the instructress of the civilized world. To her we owe grammar, logick, criticism, metaphysicks, musick, geometry, medicine, and astronomy, the names of which sciences are borrowed from its language, whose intrinsick merit places it far above any other in a liberal education. Its numerous modes of expression, their extraordinary copiousness and precision, the various inflexions of its words, their admirable derivation and composition; the energy, innate strength, and harmony of its sentences, the magnificence of its poetry, and the sublimity of its oratory, unite in rendering it eminently superior to all others, and justly hold it up as a model of perfection. Such, indeed, is its universal propriety, that in the words of Harris, it seems "made for all that is great, and all that is beautiful in every subject, and under every form of writing.

> Graiis ingenium, Graiis dedit ore rotundo
> Musa loqui."

It is well known that at Athens, where Greek flourished in its greatest purity, the truest and most refined taste prevailed. This extended even to the lower

orders of citizens, and it was no unusual thing for an Athenian, while judging of the sentiments of public orators, to prove himself an accurate critic of the propriety of their expressions. Shall we then tamely submit, in a country where general information is acknowledged to be very extensively diffused, to hear it charged against us by foreigners, that we are far behind the nations of Europe in knowledge of this language, and perception of its beauty and utility? Shall we not rather make new exertions to wipe off this reproach, which loses none of its poignancy, because more frequently heard from the lips of foreigners; and whose truth we cannot, perhaps, entirely deny, notwithstanding the many excellent public and private schools where the Greek language is well taught, and a foundation laid for future eminence; and the exertions and support of those gentlemen connected with our University, whose genius, learning, and publick spirit are an honour to it, and who have ever made the promotion of letters their constant object and highest pleasure.

From a firm conviction, therefore, of the inestimable advantages which will arise to our national literature from Classical knowledge of a higher order becoming more popular, from its close connexion with liberal feelings, elegant taste, poetry, oratory, and the fine arts,—a Classical education is earnestly recommended for youth, designed either for a learned or

a mercantile profession, as a never-failing source, from which, under every circumstance of life, the mind may derive at once her noblest virtues and her brightest ornaments. And let not parents be deterred by the vulgar error of the necessary length of time before even a moderate degree of proficiency can be attained. With good masters all difficulty will quickly vanish; and in a very short time Greek, the elements of which are easier than those of Latin, may be as familiar in our children's mouths, as is now the humble Latinity of "Viri Romæ." Nor let it be imagined for a moment, that Classical knowledge, even if extended to scrupulous accuracy in dialects, prosody, and accent, will operate as a restraint upon them in their future professions. Has it impeded the celebrity of those glorious literary names, which in various circumstances have dazzled the world, and which received the first impression of future fame from youthful attainments in Classical lore? No! in such master spirits, the salutary shackles necessarily imposed at first for their benefit, are soon rent asunder by the voluntary efforts of genius, like the puny cords of the Philistines by Sampson! To the clergy, surely nothing need be said in favour of the study of the Classics, and in particular of the language in which the divine code of the New Testament has been delivered to them:—to the lawyer, in whose profession, justly termed learned, besides a mere knowledge of the practical part of ju-

risprudence, a vigorous and cultivated intellect, a rich imagination, a fluent *copia verborum*, and an eloquent delivery, are absolutely necessary towards forming a good advocate, and rivetting public favour and esteem —without disparaging his favourite Tully, a more magnificent model may be recommended in Demosthenes. In fine, in every profession and occupation of life, in every branch of science, the effect of a Classical education, and of an early initiation into the ancient languages will be advantageously felt. Like the overflowing waters of a copious and fertilizing stream, its benefits will spread in every direction: its influence will pervade every station, and the final results of its greater cultivation and better reception in this country, will be a more general diffusion of a purer taste, and a higher reputation for polite literature among older nations.

JUVENILE STUDIES.

In tenui labor, at tenuis non gloria; siquem
Numina laeva sinunt, audit que vocatus Apollo.

In education, as in many other things, we are less deficient in the means of improvement, than in the skill to use them. A peculiar excellence of our system is, that it is calculated to be extended in proportion to the enlargement of our limits, and the increase of our population. This is not more the effect of wise laws, than of the settled principles and habits of the people. They are sensible how much they owe to the noble plan of public education, instituted and transmitted to them by their fathers. They preserve it as the best defence of present privileges, and the surest pledge of future prosperity. That so much good has proceeded from it, is not however a proof that it is faultless, but is a strong argument for endeavouring, as far as practicable, to make it so. The object of this essay is to point out what appears to some, a material error in our present practice of teaching two of the principal branches of elementary education, viz. Gram-

mar and Arithmetic. It is not the mode, but the order in which they are taught, that is the subject of the present disquisition. Our question may be properly introduced by one remark upon writing. A child should begin to learn this art as soon as he has strength to hold a pen steadily, and judgment enough to move it in one direction in preference to another. Early and long practice is the only means of acquiring ease, precision and rapidity in any mechanical exercise; writing is purely such, and ought therefore to be commenced as early as possible. Besides it will immediately become auxiliary to the memory, and will contribute in no slight degree to accuracy in all the exercises, to which it can be applied.

There is still another reason for an early attention to this particular. Such is our constitution, that we are at first impatient of all mental labour. We desire nothing but bodily action, and the gratification of our appetites; and it is necessary to form in ourselves, as it were, a new nature, before we can relish any thing elevated and intellectual. This cannot be suddenly effected, and it is obvious that the transition should be made gradually, by mingling short exercises of the mind with those of the body, in which untutored nature most delights. Writing then at intervals will be a grateful and salutary relaxation from the labour of attention and memory, and may be permitted as a reward for the diligent employment of these two facul-

ties. This therefore is another argument for beginning to learn this art at the time we have proposed, viz. as early as the age of four or five, and sometimes earlier, for then the strength and judgment are generally equal to it.

When the pupil can read with tolerable propriety, and write a legible hand, (both of which may in all cases be acquired before six, and in many much sooner,) he should proceed to arithmetic. This branch is commonly preceded by grammar, Latin or English ; with how much propriety let us proceed to inquire.

It will probably be admitted that many, and the greater part of the definitions and rules of grammar are generally unintelligible to young beginners, and must remain so, or be very imperfectly understood, till they have become extensively acquainted with the meaning of words ; not their absolute and separate signification only, but the meaning as it is modified by a connexion with other words in a phrase or sentence. In short, they must have a tolerable etymology and syntax of their own, before they can understand the more abstract and complete ones of the grammar.

It is often urged in defence of this custom, that the time of children is not worth much ; and that it is more important that they be employed in some way, than how they are employed. It is certainly important that they be made to acquire habits of attention

and industry. This is the general consequence of application to any study; but it is by no means the only object of early discipline. A multitude of facts (and facts are the proper food for young minds) in geography, chronology, and history, which will be of immense value in every situation and stage of life, may be treasured up in the time that is usually occupied in committing grammar rules and definitions, which they do not and which they cannot comprehend till they arrive at an age and degree of cultivation much more advanced. But it is not the worst effect of this practice that it prevents children from studying, what would be profitable at the time, and at all times. It has not even the poor privilege of a negative character. Pupils, by committing to memory and repeating out of one book what they do not understand, contract a habit of going over every other one in the same mechanical way. They learn nothing at the time, and they are put in a way to learn nothing afterwards. Another unhappy effect of this tedious and unsatisfactory labour, is a strong and sometimes unconquerable aversion to learning in general; and that too in minds naturally the most active and inquisitive. The more desire there is for knowledge, the greater will be the indignation and disgust at the wretched mummery of unmeaning sounds. Is not this, in many cases, the cause of that stubborn opposition on the part of children, which so often thwarts the maturest plans and disappoints the dearest hopes

of doating parents? But supposing this method possesses all the merit claimed for it, still if something can be proposed, which effects as fully the same object, and combines other advantages with it, then it must be allowed that the old and prevailing practice ought to be entirely abandoned. As has been already remarked, the branch which ought to succeed reading and writing, is arithmetic. It will be objected, perhaps, that it is difficult to teach this science to the young, or indeed to those of any age. It will not be denied that it is often found so, but it may be shown that the difficulty is not *in the nature* of the thing.

The idea of number is one of the first which children acquire. The idea of unity is suggested by every object which presents itself to the senses, and by every thought which passes in the mind. Children very soon learn that they have *one* mother, *one* mouth, *two* arms, and *ten* fingers ; and thus they obtain the *collective* ideas of one, two, &c. It is also worthy of remark, as an advantage which belongs exclusively to the science of numbers, that each of the senses is capable of receiving and conveying these ideas to the mind ; and that we should therefore acquire them, had we but a single sense. Examples are perpetually presenting themselves of several persons or things being gathered together, so as to make one company or collection. In this manner the idea of addition is obtained. Then again these same things were separated from others

before being put together, or are soon separated afterwards, and thus is obtained the idea of subtraction: So various materials are selected and set apart to build a house; and are then put together to complete the work. In this way we acquire ideas of number and of the two operations in them, which are the foundation *of all others*. Arithmetic is only substituting for these sensible objects certain arbitrary signs, and performing with them the same operations which we see performed in nature and art.

These remarks may be of use in satisfying some that there is nothing new, uncertain, or unintelligible in the ideas of number, and arithmetical operations to the minds even of very young children. Nothing is new but the signs, and these can be as easily learnt as the alphabetical signs or representatives of sounds. Between the two species of signs there is this difference. Those of numbers stand immediately for ideas, and these too of such a nature that we can retain and use them without ever having to refer them to any particular thing, for they belong alike to all objects, nay to every thought of the mind. The letters of the alphabet do not immediately represent any thing but insignificant sounds. Two, three, or a dozen of them must be combined before they can stand for any thing, and after all, the object may have so many uses, properties, and relations, that it will require much study as well as strength of mind to acquire an ade-

quate and perfect idea of it ; and even after it is thus acquired, it will often escape partially or wholly from the memory, and a fequent recurrence to its object become necessary. No considerable progress can be made in the study of grammar till the pupil has acquired a large number of words, and the general method of construction, for till this is done, the language itself of his grammar is unintelligible to him ; how then can he acquire the very complex ideas it is intended to unfold. Should any one ask something more than mere speculation upon this subject, let him be referred to his own experience ; let him meet again the inexorable man of birch ; let him recall the tedious hours of disgust and inanity, which he has been compelled to pass over his abhorred grammar ; and then let him consider how little all these toils and terrors have contributed to qualify him for the real business and elegant enjoyments of life.

Our ideas of number are so simple, distinct and definite, that they can neither be mistaken, forgotten, nor confounded. To a certain extent, they are as plain to a dull as to a keen mental vision, to a young as to a mature mind, to a nursling as to a Newton. Who understands what one and two mean better than the child of three years, with his nuts and apples, or who can add the one to the other and express the sum quicker than he ? It is not intended that the pupil should proceed, at this stage, through a complete

treatise of arithmetic, nor with that view have the above remarks been made. Let him begin at or before six, and proceed through the fundamental rules, and commit perfectly the multiplication table and those of coin, weight, and measure, &c. ; then he will be prepared to understand the numbers and terms used in geography and chronology.

It is proposed that geography should succeed so much of arithmetic as has been mentioned, and that chronology should come next, and that both of them should be accompanied by history, biography, travels, and memoirs ; and learning by heart some of the best specimens of poetry and eloquence which the language affords : in all of which, not a word should be passed, whose pronunciation and meaning is not accurately and thoroughly learnt. Difficult words and phrases (and our language abounds with them) should be pronounced a great many times, till the organs have learnt to accommodate themselves to their uncouth, but necessary acquaintances. The attempt would have been made to describe what seems to be the most eligible mode of teaching arithmetic, geography, and chronology ; but this must be reserved for a future opportunity. It shall merely be observed of the first, that if the pupul meets with any difficulty in performing its operations, he will be greatly assisted by the following expedient. Write upon a slate or board the numbers to be used ; then take pieces of money, or barley-

corns, or pebbles, and put them into separate parcels, corresponding to the figures upon the slate. Then perform with them the operation intended to be performed with the figures. This never fails to remove all difficulty.

Under an able and faithful master, all that we have proposed may be accomplished by the age of nine or ten, and in many instances, still earlier. By this time, the pupil will have acquired the power of attention and abstraction, will have strengthened his memory, and have obtained a considerable acquaintance with language. He will also have gained such knowledge of places, and historical events, and characters, as will aid him immensely in his subsequent studies, (whatever they may be,) as well as furnish him with valuable hints for the conduct of life. He may then be put to his Latin or English grammar.

The above remarks are offered with defference; but at the same time with a full and deliberate conviction of their truth and propriety. Custom and prejudice are formidable opponents. But let those who would condemn our plan, because it is in some degree novel, remember that the one which they are following, and which it is intended to supplant, has also had its beginning, and was opposed perhaps by those many-mouthed advocates as vehemently as the present one may be. Let them remember too that those an-

cient consellors, though generally correct, are not infallible. They once plead the cause of Jupiter against Jehovah, and afterwards of papacy against purity, and of despotism against liberty.

JUVENILE PERFORMANCES.

THE

DISTRIBUTION OF PRIZES THE PRESENT YEAR

WAS AS FOLLOWS,

Latin Poems, 1st Medal, value $10, to		*William Newell.*
" " 2d "	$6,	*John C. Park.*
Latin Version of the first 76 lines of Pope's Messiah, the 1st Medal, $6,		*Samuel Parker.*
English Poems, 1st Medal, $6,		*Elias H. Derby.*
" " 2d "	$3,	*Francis O. Dorr.* *Lewis Glover.*
Translation of the 57 first lines of Juvenal's 3d Sat. 1st Med.	$4,	*Elias H. Derby,*
2d "	$2,	*Duncan Bradford.*
Translation of Horace's 10th Ode, 2d Book, 1st Medal,	$4,	*James N. Deblois,* *Joseph R. Otis*
2d "	$2,	*John C. Howard.* *Charles R. Lowell,*
Translation of Virgil's 4th Eclogue, 1st Medal,	$4,	*Epes S. Dixwell.*
2d "	$2,	*Edward H. Faucon.*
Trans. Ovid's Golden Age, 1st Med.	$4,	*Thomas Davis.*
2d "	$2,	*Cazneau Palfrey,* *Joshua T. Stevenson.*
Declamation, 1st Medal,	$6,	*Lewis Glover.*
2d "	$4,	*Charles C. Emerson.*
3d "	$2,	*Joseph R. Otis,* *William S. Whitwell.*

PROTESILAUS ET LAODAMIA.

AUCTORE GULIELMO NEWELL.

"Eheu! me miseram! cur, O crudelia fata,
Cur mihi dilectum rapuistis ad arma maritum?
Cur maris et belli placet objectare periclis
Saevis? Oceani tumidas si fugerit undas,
Incolumis subiens portus, tamen obruet ira
Martis, et officiet famae laudisque cupido.
Quod scelus admisi, quare haec me poena maneret?
Dique Deaeque omnes, quicunque juvatis amantes,
Vos precor, asservate virum, incolumemque referte"—
Laodamia dedit lacrymans has ore querelas.
Heu! frustra lacrymas, O Laodamia, precesque
Fundis. Jam conjux carissimus errat in umbris
Tartareis: Danaûm qui primus ab Hectore caesus.
Moestus adhuc meminit patriae uxorisque relictae,
Cùm funes solvit, cùm caerula navis aravit.
Lethaeos latices petit, atque oblivia longa
Haurit: at unda potest non ullum afferre levamen.
Limina postremò Stygii Jovis audet adire,
Et supplex orat per numen Amoris et ignem,
Ut liceat terram breve tempus visere rursus.
Abnuit ille diu: sed tandem conjuge victus,
Vivere tres horas sinit; Hermem ducere jussit
Auras ad superas, formaeque referre decorum.
Haud mora, carpit iter Deus, hic vestigia pressit.
Cùm superis aderant auris, lucemque videbant,

Virgâ percussit jussu Cyllenius illum:
Ecce, citò currit flumen vitale per artus,
Atque colore genae roseo pinguntur; ocelli
Nunc fulgore micant; gaudetque decore recepto
Protesilaus. Fit qualis quantusque nitebat,
Tempore quo Trojam tendit, nuptamque reliquit.
Haud secus ac foliis, hyberno tempore, nuda
Attollit quercus deformia brachia coelo;
Sed primo veris reditu protrudit opacos
Ramos, et foliis vestitur ovatque superbè.
Tunc Maiâ genitus nebulam circumdedit atram,
Sublatumque virum rapuit, perque aethera vexit.
Astitit Argivus sponsae, quae fessa dolore
Tandem carpebat somnum, lectoque jacebat.
Sparguntur flavi per candida colla capilli,
Et pallor malis insidit: lumina pulchra
Torpor habet flenti; lacrymaeque per ora tepescunt,
Alba velut radiant in campis lilia rore.
Ille diu speciem miratur; denique labris
Oscula, raptus amore, premit; subitòque relinquit
Somnus eam; surgit lecto; fert lumina circum
Obstupuitque videns; exclamat, "Fallor, an ipsum
Aspicio sponsum? an mentem vaga somnia ludunt?
Protesilaus ad haec; "non," inquit, "fallit imago
Vana animum, conjux ego sum." Nec plura locutus,
Brachia circumdat collo, et complectitur ulnis.
Ut primùm potuit, sic Laodamia profatur;
"Quae nobis, conjux, fortuna secunda reduxit?
Tempestasne rates Argivas aspera quassit?
An Danai victi liquerunt moenia Trojae?
Cur moestus gemitus imo de pectore ducis?
Quae tibi contigerint mihi jam, precor, omnia narres."—

" Nec me tempestas repulit, nec moenia Trojae
Liquerunt Danai, sed nunc a sedibus atris
Tartarei regis venio. Nam primus Achivûm
In Phrygiam insilui terram, coelestibus a me
Contemptis monitis, et poenas sanguine solvi."—
Exponit sponsae sic omnes ordine casus;
Laodamia stupet, versatque in pectore multa.
Cum sermone fugit tempus, spatioque peracto,
Nunc adigunt juvenem Plutonis jussa redire.
" Heu !" inquit, " conjux, tibi distrahor ; aspera fata
Me revocant, et"—Vox fugit et vanescit in auras
Ille leves subitò. Furit illa ensemque prehendens,
Quem casu reperit, " Te, te duce, mucro fidelis,"
Inquit, " adibo maritum. Et tu depelle timorem
Mortis, Amor ! campi virides, coelumque valete.
Laodamia virum virtute aequabit amatum."—
Haec ubi dicta dedit, ferrum sub pectus adegit :
Consequitur sanguis calidus, viresque relinquunt ;
Procumbit moriens, et ad umbras vita recedit.

MESSIAH.

A SACRED ECLOGUE, IN IMITATION OF VIRGIL'S POLLIO.

Ye nymphs of Solyma! begin the song:
To heavenly themes sublimer strains belong.
The mossy fountains and the sylvan shades,
The dreams of Pindus and the Aonian maids,
Delight no more—O Thou my voice inspire
Who touch'd Isaiah's hallow'd lips with fire!
Rapt into future times, the bard begun:
A Virgin shall conceive, a Virgin bear a son!
From Jesse's root behold a branch arise,
Whose sacred flower with fragrance fills the skies:
The æthereal spirit o'er its leaves shall move,
And on its top descends the mystic dove.
Ye heavens! from high the dewy nectar pour,
And in soft silence shed the kindly shower!
The sick and weak the healing plant shall aid,
From storm a shelter, and from heat a shade.
All crimes shall cease, and ancient frauds shall fail;
Returning justice lift aloft her scale;
Peace o'er the world her olive wand extend,
And white-rob'd innocence from heaven descend.
Swift fly the years, and rise the expected morn!
Oh spring to light, auspicious Babe, be born!
See, nature hastes her earliest wreaths to bring,
With all the incense of the breathing spring:
See lofty Lebanon his head advance,
See nodding forests on the mountains dance:

IDEM LATINÈ REDDITUM.

Operâ Samuelis Parker.

Tollite vos, Nymphae Solymae, jam tollite carmen :
Majores numeros coelestia carmina poscunt.
Muscosi fontes, densaeque umbracula sylvae,
Castalidumque cohors, et sacri somnia Pindi,
Non placeant nobis. Tu coeptis annue nostris,
Esaiae vocem qui afflàsti numine sanctam !
Incepit raptus ventura per aeva Poeta :
Natum concipiet gignetque sacerrima virgo !
Ramulus ecce novus surgit de stemmate Jesses,
Cui flos ambrosio coelum perfundit odore :
Spiritus aethereus ramum frondesque movebit,
Desuper atque sedet, coelo demissa columba.
Nectar roratum, vos, Numina, fundite ab alto,
Et placidè terris nunc imbrem spargite blandum.
Aegros infirmosque salubris planta juvabit,
Portum praebebit nimbis, tegmenque calore.
Crimina desistent, et fraus antiqua recedet ;
Aequalem tollet rediens Astraea stateram ;
Pax orbi vasto ramum praetendet olivae,
Atque Pudor niveus coelo descendet ab alto.
Praecipites volitent anni, et lux surgat amata !
Nascere, cara Dei soboles, nunc accipe vitam !
En virides properat natura afferre coronas,
Fragrantis cuncto veris suffimine dulces ;
Cedrifer en Libanus caput altum tollit ad astra,
Et luci saltant nutantes montibus altis ;

See spicy clouds from lowly Saron rise,
And Carmel's flowery top perfumes the skies!
Hark! a glad voice the lonely desert cheers;
Prepare the way! A God, a God appears!
A God, a God! the vocal hills reply,
The rocks proclaim th' approaching Deity.
Lo, earth receives him from the bending skies!
Sink down, ye mountains; and ye vallies, rise!
With heads declin'd, ye cedars, homage pay,
Be smooth, ye rocks; ye rapid floods, give way!
The Saviour comes! by ancient bards foretold:
Hear him, ye deaf; and all ye blind, behold!
He from thick films shall purge the visual ray,
And on the sightless eye-ball pour the day:
'Tis he th' obstructed paths of sound shall clear,
And bid new music charm th' unfolding ear:
The dumb shall sing, the lame his crutch forego,
And leap exulting, like the bounding roe.
No sigh, no murmur, the wide world shall hear,
From every face he wipes off every tear.
In adamantine chains shall death be bound,
And hell's grim tyrant feel the eternal wound.
As the good shepherd tends his fleecy care,
Seeks freshest pasture, and the purest air;
Explores the lost, the wandering sheep directs,
By day o'ersees them, and by night protects;
The tender lambs he raises in his arms,
Feeds from his hand, and in his bosom warms;
Thus shall mankind his guadian care engage,
The promised father of the future age.
No more shall nation against nation rise,
Nor ardent warriors meet with hateful eyes,

Nunc humilis Saron fragranti thure vaporat,
Carmelusque suos ad coelum spirat odores !
En vox laetitiae vacuam solatur eremum !
Complanate vias, Deus, en Deus ipse, propinquat !
Vocales resonant colles, Deus, en Deus ipse !
Conclamantque Deum gaudentia saxa propinquum !
En tellus coelis convexis excipit illum
Sidite vos montes, imae consurgite valles ;
Verticibus pronis cultum vos reddite cedri !
Sint scopuli laeves, tumidique recedite fluctus !
Christus adest quem prisci omnes cecinêre Poetae :
Audiat hunc surdus, vosque illum cernite caeci !
Callosis oculos membranis ille resolvet,
Et lucem fundet vacuos in luminis orbes ;
Auribus hic solitas reddet medicamine vires,
Dulcibus et numeris surdos gaudere jubebit.
Mutus cantabit, ponet claudusque bacillum,
Et saliet laetus, salit ut lasciva capella.
Funestos gemitus, lamentaque nesciet orbis,
Atque omni vultu lacrymas siccabit amaras.
Mors adamantaeis vincetur dura catenis,
Et ferus aeternum vulnus rex sentiet Orci.
Ut teneram curam Pastor custodit amicus,
Agros exquirit virides atque aethera purum,
Amissas repetit pecudes, ducitque vagantes,
Illas luce regit, tenebrosâ nocte tuetur :
Lanigeros ovium foetus attollit in ulnis,
Atque manu pascit, calidoque in pectore mulcet ;
Sic homines studiosus alet, curâque fovebit,
Pollicitus genitor venturo temporis aevo.
Amplius haud gentes crudelia bella ciebunt,
Desistentque Duces armatas jungere dextras ;

Nor fields with gleaming steel be covered o'er,
The brazen trumpet kindle rage no more;
But useless lances into scythes shall bend,
And the broad falchoin in a plow-share end.
Then palaces shall rise; the joyful son
Shall finish what his short-liv'd sire begun;
Their vines a shadow to their race shall yield,
And the same hand that sow'd, shall reap the field,
The swain in barren deserts with surprise
See lilies spring, and sudden verdure rise;
And starts, amidst the thirsty wilds to hear
New falls of water murmuring in his ear.
On rifted rocks, the dragon's late abodes,
The green reed trembles, and the bulrush nods.
Waste sandy valleys once perplex'd with thorn,
The spiry fir and shapely box adorn:
To leafless shrubs the flowery palms succeed,
And odorous myrtle to the noisome weed.

Nec campi horrescent virides fulgentibus armis,
Aerea nec saevas accendent cornua pugnas ;
Sed vana in falces flectentur spicula curvas,
Quodque fuit gladius formam sibi sumet aratri.
Atria tunc surgent regali splendida pompâ,
Filius atque patris poterit finire laborem.
Dulcia praebebunt natis umbracula vites,
Quaeque manus sevit, manus haec quoque demetet arva.
Agricola attonitus desertis cernit in agris
Undique crescentes herbas et lilia laeta,
Et stupet, insuetus sonitus dum fertur ad aures
Murmure currentis, lapidoso tramite, rivi.
Rupibus in duris nuper quae tecta draconum,
Nunc viridis nutat calamus, juncusque vacillat.
Incultas valles obductas sentibus olim
Nunc abies viridans ornat buxusque decora.
Nudis succedit virgultis florea palma,
Et loca senta prius, fragrans nunc myrtus odorat.

JUVENALIS SATIRA III.

Quamvis digressu veteris confusus amici,
Laudo tamen vacuis quod sedem figere Cumis
Destinet, atque unum civem donare Sibyllae.
Janua Baiarum est, et gratum littus amœni
Secessus. Ego vel Prochytam præpono Suburrae.
Nam quid tam miserum, et tam solum vidimus, ut non
Deterius credas horrere incendia, lapsus
Tectorum assiduos, ac mille pericula sævae
Urbis, et Augusto recitantes mense Poëtas?
Sed dum tota domus rhedâ componitur unâ,
Substitit ad veteres arcus, madidamque Capenam;
Hîc ubi nocturnae Numa constituebat amicae.
Nunc sacri fontis nemus, et delubra locantur
Judaeis, quorum cophinus, fœnumque supellex.
Omnis enim populo mercedem pendere jussa est
Arbor, et ejectis mendicat silva Camoenis.
In vallem Ægeriae descendimus, et speluncas
Dissimiles veris. Quanto praestantius esset
Numen aquae, viridi si margine clauderet undas
Herba, nec ingenuum violarent marmora tophum?

TRANSLATION,

BY E. H. DERBY.

Though much I grieve, to lose a friend I love,
Yet still his choice and purpose I approve,
In quiet Cumae's lone recess to live,
And one pure citizen the Sybil give.
On Baia's road is Cumae's cool retreat,
For rural pleasure, a delightful seat;
And tired with Rome, sincerely I aver,
That to her streets I'd Prochyta prefer.
For what's so vile, or wretched, as the dread
Of ruined buildings, falling on your head;
In this base town, where raging fires prevail,
And numerous dangers constantly assail;
Where scribbling poets stand in every street,
And through all August, aggravate the heat?
And now my friend, preparing to depart,
With all his wealth compressed in one small cart,
At the triumphal arch a moment waits;
Where moist Capena rears her ancient gates.
There, where great Numa and the heavenly maid
Plans for the fame of Rome, in concert laid;
But now the sacred groves and shrines retired
By banished Jews and Mendicants are hired.
Insatiate avarice soils these famed retreats,
And squalid groups usurp the Muses' seats.
Into Egeria's vale we next descend;
Through artificial grots our steps we bend.
How much more beauty would the fountain grace,
Did verdant grass, retain its ancient place,
Nor marble banks restrain a crystal tide,
Contented o'er its shining stones to glide.

Hic tunc Umbritius, Quando artibus, inquit, honestis
Nullus in urbe locus, nulla emolumenta laborum,
Res hodie minor est, herè quàm fuit, ac eadem cras
Deteret exiguis aliquid ; proponimus illuc
Ire, fatigatas ubi Dædalus exuit alas :
Dum nova canities, dum prima, et recta senectus,
Dum superest Lachesi quod torqueat, et pedibus me
Porto meis, nullo dextram subeunte bacillo,
Cedamus patriâ : vivant Arturius isthic,
Et Catulus : maneant qui nigra in candida vertunt :
Queis facile est aedem conducere, flumina, portus,
Siccandam eluviem, portandum ad busta cadaver,
Et praebere caput dominâ venale sub hastâ.
Quondam hi cornicines, et municipalis arenae
Perpetui comites, notaeque per oppida buccae,
Munera nunc edunt, et verso pollice vulgi
Quemlibet occidunt populariter ; inde reversi
Conducunt foricas. Et cur non omnia ? Cum sint
Quales ex humili magna ad fastigia rerum
Extollit, quoties voluit Fortuna jocari.

Here my old friend the real cause assigns,
Why for lone Cumae's shades, he Rome resigns:
"For since," he says, "in this vile town, I find
No place for studies, which improve the mind;
Since honest toil receives no just reward,
And every day with my small purse has warred,
To enter that retreat I now propose
Where weary Dædalus enjoyed repose;
While few grey hairs are on my forehead seen,
And age compels me on no staff to lean,
I fly this city, for a happier clime,
Uninjured by the darts of fleeting time.
Here let Arturius live, a villain base,
And Catulus, humanity's disgrace;
Unblushing knaves, who nought divine revere,
Turn black to white, make falsehood truth appear;
Build lofty temples, and by money's lure,
Farm ports, and rivers,—drain the common sewer,
And boundless in their raging thirst for gold,
Preside o'er burials—and then auctions hold.
These once were trumpeters of little fame,
Constant attendants at each rural game,
Their bloated cheeks were through the country known;
But now these games, at their expense are shown;
Where they direct the bloody rabbles will;
And whom they please, they popularly kill.
From thence returning money to acquire,
Fond of ignoble works, the Jakes they hire:
And why not all things? since by fortune's aid,
Such men as these are rich and powerful made,
When in a freak, to shew her wanton power,
She lifts the peasant to the Nobles' tower.

Quid Romae faciam? Mentiri nescio, librum,
Si malus est, nequeo laudare, et poscere: motus
Astrorum ignoro: funus promittere patris
Nec volo, nec possum: ranarum viscera nunquam
Inspexi: ferre ad nuptam quae mittit adulter,
Quae mandat, nòrunt alii: me nemo ministro
Fur erit: atque ideo nulli comes exeo, tanquam
Mancus, et extinctae corpus non utile dextrae.
Quis nunc diligitur, nisi conscius, et cui fervens
Aestuat occultis animus, semperque tacendis?
Nil tibi se debere putat, nil conferet unquam,
Participem qui te secreti fecit honesti,
Carus erit Verri, qui Verrem tempore, quo vult,
Accusare potest. Tanti tibi non sit opaci
Omnis arena Tagi, quodque in mare volvitur aurum,
Ut somno careas, ponendaque praemia sumas
Tristis, et a magno semper timearis amico

What should I do at Rome? I cannot lie,
Nor seek for favour by base flattery.
Nor can I praise an author's foolish rhymes,
As is the custom, in these venal times.
Unskilled am I, by planets to forbode,
Or seek for poison, in the noxious toad.
Neither can I to anxious sons foretell
When death shall ring their aged parents' knell,
Others may boast, that with a better care,
Seducing presents to a bride they bear,
But I detest each vile and thievish art,
And so alone, and friendless I depart:
Like a dead member, from the body torn,
Whose use is ended, and whose powers are gone.
For who obtains the friendship of the great,
Unless 'tis he who, used to crimes of state,
Burns with a secret, which must be confined,
Within the precincts of his guilty mind?
He who entrusts an honest truth to you,
Makes you no present and thinks none your due.
No! he by Verres will be most carest,
Who can accuse him when he thinks 'tis best,
Then let not all the gold which Tagus pours
In copious tributes to the ocean's shores,
Tempt you your quiet dreams and sleep to lose,
Or take those presents you had best refuse;
For men suspiciously regard the friend,
On whom their fortunes and their lives depend."

HORACE, ODE X. BOOK II.

Rectius vives, Licini, neque altum
Semper urgendo, neque, dum procellas
Cautus horrescis, nimiùm premendo
Littus iniquum.

Auream quisquis mediocritatem
Diligit, tutus caret obsoleti
Sordibus tecti, caret invidendâ
Sobrius aulâ.

Saepius ventis agitatur ingens
Pinus ; et celsae graviore casu
Decidunt turres ; feriuntque summos
Fulmina montes.

Sperat infestis, metuit secundis,
Alteram sortem bene praeparatum
Pectus. Informes hyemes reducit
Jupiter, idem

Submovet. Non, si malè nunc, et olim
Sic erit. Quondam citharâ tacentem
Suscitat Musam, neque semper arcum
Tendit Apollo.

Rebus angustis animosus atque
Fortis appare ; sapienter idem
Contrahes vento nimiùm secundo
Turgida vela.

TRANSLATED BY J. N. DEBLOIS.

Would you, my friend, true happiness attain,
Do not too boldly tempt the boist'rous main;
While on the deep you dread the tempest's roar,
With equal caution shun the rocky shore.

He that's content a middle path to tread,
A tranquil, and an easy life may lead;
Exempt from miseries which the poor await,
And all the envied grandeur of the great.

The lofty pine by each rude blast is bent;
The highest hills are by the lightening rent;
The tallest tower but lifts its cloud capt wall,
To spread a wider ruin by its fall.

He that for changes can his mind prepare,
With fortitude the ills of life may bear;
But fears, when fortune smiles with brightest ray,
The flatt'ring prospects soon may fade away.

For good and ill succeed in constant rounds,
As cheering spring expels dread winter's frowns;
Nor does Apollo always bend his bow,
But from his harp oft bids sweet numbers flow.

When fickle fortune proves to you unkind,
With greatest courage fortify your mind,
If on your course, she waits with fav'ring gales,
Let prudence trim with care your swelling sails

A POEM ON DECATUR.

BY ELIAS H. DERBY.

Far in the south, where Del'ware's shores expand,
And smiling Ceres cheers a fertile land,
Where nature's stores have all their wealth displayed.
And Flora reigns in beauteous garb arrayed,
A soil propitious gave Decatur birth,
And shewed a hero to the admiring earth.
His gen'rous mind ne'er felt a coward's fear,
Though oft for other's woes he dropt a tear.
Glory his earliest, as his fondest aim,
His youthful bosom beat for martial fame.
In youth those virtues which his life adorn,
Shed their first lustre, as the rays of morn,
And like the rising sun's increasing light,
Burst on the world, with matchless splendor bright.
As thus to manhood's prime his age advanced,
His numerous gifts, by grace and form enhanced,
By chance directed, on a summer's day,
Along the Del'ware's stream he bent his way;
And near its brink, on verdant couch reclined,
Where round the elms the fragrant woodbine twined,
Lulled by the breeze, he sunk in calm repose;
When from the stream, the god of ocean rose.
Borne on the wave, he stood with placid mien,
And smiling, thus began his speech serene:—
"Long have I seen Columbia's growing name,
And marked her progress up the steep of fame;
Long have I sought some youth my charge to be,

And now with joy have fixed my choice on thee;
Thee, by my aid, thy country shall admire,
And praise thy gallant deeds, and martial fire.
From thy bold arm Britannia shall recede,
Africk's fierce Corsairs, by thy sword shall bleed.
Haste then, away, commence the noble strife,
And doubt not, for my arm shall guard thy life."
This said, great Neptune sudden left his theme,
And sunk majestic in the silver stream,
The God departing broke his sweet repose,
And filled with joyous hope, Decatur rose.
E'en now Columbia had for war declared,
And fired with wrongs, her navies had prepared,
Which to drear Africk's coast she hastes to send,
Her injured rights and commerce to defend;
From slavery's chains, her long lost sons to free,
And give them heaven's best gift, sweet liberty.
With these our hero dares the eastern wave,
Trusting the promise, mighty Neptune gave.
Fired with a noble wish, to raise his name,
By glorious acts to everlasting fame.
Now wake, my Muse, thy loftiest numbers swell,
Of daring feats and battles dire to tell,
With noble thoughts, your youthful poet fire,
And with new energy, his verse inspire.
What martial deed ere waked the poet's song.
Whose tuneful verse its praises yet prolong,
That can with his, in chivalry compare,
When joined in combat with the rude Corsair?
Through thousand foes he bent his daring course,
Accomplished wonders with his little force;

A captive frigate by his hand inflamed,
To trembling Tripoli his name proclaimed.
What heavenly power preserved Decatur's life,
And hovered o'er him in the dangerous strife,
When to revenge a brother's death he fought,
And through opposing foes, his murderers sought?
Then like the scathed and blasted mountain oak,
Rent by the lightening's desolating stroke,
Beneath his arm the treacherous Corsair bled,
And down to Pluto's realms indignant sped.
Nor must that act escape our humble lays,
Which gilds his name with never-fading praise;
When as the eagle, darting from on high,
Bears off her victim to the etherial sky,
He rushed to battle, o'er the foaming wave,
Resolved to conquer, or to find a grave.
The British Lion, sunk beneath his sword,
Above his ocean grave, our eagle soared,
And though full long her thundering cannon pealed.
The Macedonian was compelled to yield.
This glorious act proclaimed our hero's fame,
Astonished Britain trembled at his name.
Nor end his triumphs here, Africk again
Beholds her navies yield, her heroes slain;
At his command; she opes her prison doors,
And to their long lost homes her slaves restores,
Barbarian bondage breaks her iron chain,
And heavenly freedom sooths the captive's pain.
Our hero now fatigued with foreign toil,
Returns victorious to his native soil,
With wreaths of bays, and laurel chaplets, crowned,
While with his praise, Columbia's shores resound.

But fickle fortune oft deserts the brave,
" The paths of honour lead but to the grave.
At fate's command death gave the cruel blow.
That blasted hope, and laid our hero low.
A pitying angel saw the cruel deed,
And weeping thus, announced what fate decreed ;—
" Columbia, mourn ! thy choicest spirit's fled,
The brave Decatur's numbered with the dead.
Though sunk to rest, his fame shall ever live,
And unborn ages for his fate shall grieve ;
His memory long shall patriot bosoms fire,
And long for him be strung the poet's lyre.
His praises shall resound through every clime,
And ride triumphant on the wings of time."

LIST OF PRIZES FOR 1821.

For the best Latin Poem consisting of not less than fifty, nor more than eighty Hexameter, or alternate Hexameter and Pentameter verses, will be awarded the first medal, worth - - - - - $ 10

For the second best - - - - 6

For the best Ode in Sapphic and Adonian measure of not more than thirty two verses. - - - 6

For the second best - - - - 3

For the best theme in Latin prose on Dejanira's reproof to Hercules. - - - - - 6

Coepisti melius quàm desinis : ultima primis
Cedunt : Dissimiles hic vir et ille puer. *Ovid.*

For the second best. - - - - - 4

For the best theme in English prose on the same subject. 6

For the second best - - - - 3

For the best English poem - - - - 6

For the best Latin Version of the first Elegy of Turtaeus in the same measure. - - - - 6

For the second best - - - - 3

For the best recital from memory of Cicero's Oration for the Poet Archias. - - - - 4

For the best translation of the same Oration into English. 4

For the best translation of Ovid's Pyramus and Thisbe by a lad not higher than the third class. - - 4

For the next best. - - - - - 2

For the best Declamation in English, Latin or Greek 6

For the two second best - - - - - 4

For the two third best - - - - - 2

The above prizes will be given in gold and silver medals, or in books, at the option of the receivers : provided nevertheless that there be no obligation to award a prize to a performance undeserving of it, merely because there is no other of the kind. The exercises must be presented for examination by the 15th of June 1821.

A

COMPLAINT

AGAINST

THE CLERGY

OF THE BAY ASSOCIATION,

PLYMOUTH COUNTY, MASSACHUSETTS.

BY JOSEPH RICHARDSON,

MINISTER OF THE FIRST PARISH IN HINGHAM.

BOSTON:

PRINTED BY FARMENTER AND NORTON,

ROGERS' BUILDINGS.

1818.

A COMPLAINT, &c.

To the Churches and People of the Towns and Precincts within the limits of the Bay Association.

MEN AND BRETHREN,

THE Minister of the First Parish in Hingham complains against the conduct of the Clergy of that Association, as unchristian, and highly censurable.

To prove this allegation, the following statement is presented.

In the year 1805, the church and people of the first parish in Hingham invited their present pastor to preach to them as a candidate for settlement.

The parish by a very large majority, and the church by a small majority gave him a call to settle as their minister. The minority proceeded to attack the private character of the candidate with the utmost severity. The majority adhered to their vote and presented their candidate an invitation to settle with them.

On account of the violence of the opposition, and the charges brought against the candidate, the acceptance was postponed for a few months, that measures might be taken for a reconciliation. For this purpose, Mr. Richardson, the candidate, with the consent of his friends, made this proposal to the minority:

"That a reference consisting of five gospel ministers be chosen in the following manner, and with the following restrictions, viz.

"1. That the parties agree in choosing a moderator.

"2. That the others be chosen, two by the opposers, and two by the friends of the candidate.

"3. That no other question be submitted to the consideration of said reference than this: 'whether his *moral character* be found by investigation really such as to disqualify him, or render him an unsuitable person for the office of a gospel minister.'

"4. That the parties obligate themselves to abide by the result of said reference. Should the result determine his *moral character* to be such as disqualifies him for the office of a gospel minister, then are his friends obligated to relinquish him. If on the other hand the reference determine his moral character and conduct in life to be such as *not* to disqualify him for the office aforesaid, then were his opposers bound to relinquish all opposition to his settlement as the Gospel Minister of the North, or First Parish in Hingham."

This proposal was made in writing to the opposers of Mr. Richardson; *and was rejected.*

As all proposals judged to be equitable on the part of the friends of Mr. Richardson were rejected, and as some of the accusations against him were grounded on insinuations which Dr. Morse of Charlestown and some of his friends had propagated in Hingham by private letters, the friends of Mr. Richardson resolved to call a reference of ministers to whose judgment the charges should be submitted.

The following gentlemen were selected by the parish and Mr. Richardson; Rev. Dr. Cumings of Billerica, Rev. Dr. Osgood of Medford, Rev. Mr. Bentley of Salem, Rev. Mr. Foster of Littleton, and Rev. Mr. Green of Malden.

That the parish might not furnish the least ground for a charge of unfairness on account of partiality of a political nature, and that the question of moral character might have even a rigid investigation, three out of five of the aforementioned referees were *decided federalists.* All were men of high standing in life, distinguished for their probity and talents.

The opposers of Mr. Richardson were seasonably requested to produce the proof of their charges before these referees. Dr. Morse, and all the witnesses who had written defamatory letters, were requested to appear and to testify what they knew respecting the character of Mr. Richardson.

At the time appointed, the referees all convened. Abner Lincoln, Esq. of Hingham appeared on the part of the opposers, protested against the legality of the reference, and refused to produce his evidence in support of the charges. Dr. Morse appeared before the

reference, but utterly refused to exhibit what he had written, or to make any statement respecting Mr. Richardson. The referees observed that they assumed no authority to compel any persons to submit their cause to their decision, but were willing to give their judgment in the case if laid before them. All exertions to persuade the accusers or witnesses to submit the cause, that is the question respecting the moral character of the candidate were wholly unavailing.

Whilst measures of this nature were taking place, some of the members of the Bay Association manifested a disposition unfriendly to the majority of the church and parish, and their candidate. When the opposition to Mr. Richardson became violent, he declined to supply the pulpit any longer until there should be an opportunity for an investigation of the charges alledged against him. The parish then engaged a Mr. Huse, a gentleman of good talents and fair character to supply the pulpit for a number of months. The church requested as usual, that the Sacrament might be administered, and for this purpose Mr. Huse was directed to ask an exchange of pulpits with Rev. Mr. Whitney of Hingham. This favor was refused by Mr. Whitney. A like request was made to Rev. Mr. Flint of Cohasset. The favor was refused by him. The church and people of the first parish in Hingham considered these refusals as shewing that the members of the Bay Association were determined to take the ground of opposition. The minority of the church and parish withdrew from the majority, in the first place, without the consent of the majority, and held public worship in the Derby Academy. There the minority of the church proceeded to have the Sacrament administered. To this minority of the church, although separated from the main body in a disorderly manner, the same Rev. Messrs. Whitney and Flint seem to find no difficulty in preaching and administering Sacraments! A number, and it is believed that a majority of the Bay Association followed their example. To the candid christian, or to an honest mind of any description, there must be no small degree of mystery in this business.

The majority of the church and parish continued during six months, proposing to the minority, what ap-

peared to them fair and liberal terms of investigation. But none were accepted. The majority of the church and parish after the expiration of a number of months, again insisted on the return of Mr. Richardson to preach to them.

Since he and his friends had failed in all their attempts to obtain a fair investigation of his character, he could have no alternative but either to rest under the charges without the possibility of an acquittal, or to return again to Hingham with the hope that a hearing might be obtained before an ecclesiastical council. Soon after the return of Mr. Richardson to Hingham, his opposers at a legal parish meeting, asked leave to separate by an article in this form: "To see if the parish would give their consent that the opposers should be set off into a separate parish or society, by such an act as the Legislature should think proper to grant, and as is usual in like corporations."

This vote was unanimously carried in the affirmative without the least debate.

The majority of the church and parish, the friends of Mr. Richardson now considered themselves at perfect liberty to make arrangements for the ordination of their candidate. But notwithstanding the opposers who were members of the church had asked and obtained leave of the parish to form a separate society, and notwithstanding these same opposers had held public worship and repeatedly received the Sacrament in a separate state as a separate body, when the majority called a church meeting to make arrangements for the ordination of their candidate, these same opposers came to the church meeting and attempted to defeat every measure! But being a minority, as they ever had been, they carried no point.

There has been complaint made that there was an addition made to the church by which an advantage was obtained over the minority. The facts are these. After the opposers had asked and obtained leave of separation, had petitioned the Legislature for an act of incorporation, and constantly maintained a separate worship and communion, an addition of eight male, and as many female members was made to the first church, and that without any opposition. It is true that this

addition was made to the church before the ordination of Mr. Richardson, but not till after his call to settle had been voted and accepted by the church.

An ordaining council was called, and the opposers, as they had attacked the character of the candidate and censured the proceedings of the church and parish, were earnestly requested to appear and substantiate their charges. The council convened on the 1st July 1806. A large committee on the part of the opposers appeared before the council and continued reading their documents and making their statements during that day and the next, till about noon. The council, after hearing all their charges and documents, came to a result in which they were unanimous, and proceeded to the ordination. The council were regularly called, regularly organized, and the exercises of the ordination were performed in perfect order and solemnity. The whole course of proceedings in all essential points, were, on the part of the majority of the church and parish, perfectly regular according to the usages of the Congregational churches in New-England.

The opposition continued active in attempts to destroy the reputation of the parish, and their minister. They circulated the most wounding reports far and near, in both writing and print. They continued to hold separate worship and communion in the Derby Academy, till they built a house of worship, obtained an act of incorporation and settled a minister. During all this time they received the aid and support of a number of the clergymen of the Bay Association. The very same council whom the opposers called at the settlement of their affairs, gave these same opposers no other than the title of the *Third Church;* and under this title they were organized, but still without the consent of the first church as a body. Here then is a singular fact. Certain members of the Bay Association who had refused the civility of an exchange with the preacher of the majority, were repeatedly exchanging with the preacher of the minority, and administering the Sacraments to the disorderly members of a church. This too is done by the boasted friends of order; by some of the most distinguished members of the Bay Association! What an outcry you will hear from these holy men, if

a Methodist, Baptist, or even a Congregationalist goes into the limits of their precincts to preach or administer ordinances! But they themselves can come to Hingham when a church is unhappily divided, and in a most unauthorized manner aid and uphold a minority! "By their fruits ye shall know them."

The first parish of Hingham and their minister noticed these instances of misconduct which have now been related, with deep regret. They felt themselves to be most injuriously misrepresented. They saw the clergymen of the Bay Association, or at least a number of them taking a most active part with their opposers, and, as there is much reason to believe, giving countenance to the evil reports which malice and party animosity had invented and published.

Another injury in which some of the members of that Association had a hand deserves notice. The Derby Academy was richly endowed by the late Madam Derby of Hingham, with particular provisions for the benefit of the youth of the North, or First Parish in said town. Her will directed that a discourse should be annually preached to the youth in the North Parish meeting-house. This practice was continued many years. When the new meeting-house was built, at the distance of forty or fifty rods from the old meeting-house, immediately the lecture was taken away and ordered to be delivered in the new meeting-house, and this whilst a great majority of the youth usually attending said academy belonged to families of the first parish. Three or more of the trustees of that academy belong to the Bay Association.

But still a hope was indulged that after a lapse of ten years, asperities were softened and prejudices had yielded to reason and reflection. The first parish and minister of Hingham could not conceive of having given to the clergy of the vicinity any cause for offence, and many were desirous of manifesting a spirit of conciliation. A state of alienation between neighbouring churches and ministers of the same denomination, seemed disgraceful, and to be deeply lamented.

The minister and some other persons of the first parish have for several years been looking for a favorable opportunity to banish all animosities and unfriendly

feelings which seemed to exist between them and neighbouring ministers and societies. When the nation was happily restored to peace, and a pacific spirit spreading its benign influence among even barbarous and savage tribes of men, we hoped that our neighbours and fellow christians would be disposed to meet conciliatory advances on our part, with some good degree of reciprocity and kindness.

Accordingly the minister of the first parish attended a meeting of the Bay Association at the Rev. Mr. Whitney's in Hingham. The members generally appeared to give him a cordial reception, and several of them politely said they were glad to see him. After attending public worship and dining, Mr. Richardson, with the leave of the moderator, observed, that he attended the meeting for the purpose of seeking mutual peace and friendly intercourse. He expressed his sorrow that neighbouring churches and ministers should be at variance.

Rev. Dr. Allyn replied that he was glad to see Mr. Richardson on that occasion, and that he felt disposed to cultivate a spirit of peace, and to promote friendly intercourse. He added that he had no personal objections against Mr. Richardson. Rev. Mr. Willis, the moderator, observed that Dr. Allyn had expressed the same sentiments which he entertained.

The moderator asked Mr. Richardson whether he wished to offer himself at that time for admission as a member of the Association? Mr. Richardson replied that it was his intention to offer himself to become a member, and to exchange pulpit services, but as some of the members of the Association were absent, and were unapprized of this measure, he would wish to postpone the decision to their next meeting. It was accordingly postponed. The next meeting of the Association, after a lapse of several months, was holden at the house of Rev. Mr. Allen of Pembroke, at which Mr. Richardson attended.

A member of the Association moved at that time that a committee be chosen to take Mr. Richardson's proposal to unite with that Association, into consideration, and to report at their next meeting. The Associ-

ation then made choice of Rev. Mr. Willis, Rev. Dr. Allyn and Rev. Mr. Leonard for their committee.

At the next meeting of the Association the committee reported as follows :

"A proposition of the pastor of the first church in Hingham to unite with the Bay Association having been considered, we ask leave to report, that in a retrospective view of past circumstances and transactions, and a prospective view of probable consequences, we believe that such a connexion would be attended with more unpleasant than beneficial effects."

Signed by the Committee.

Accepted by a Vote of the Association.

At the next meeting of this Association, the following note was addressed to them and read.

"Hingham, Aug. 18, 1817.

To the Bay Association.

Rev. Gentlemen,

I received your note, stating that my proposal to hold ministerial intercourse with your Association was rejected. I think you cannot be insensible that such a rejection is calculated to create and confirm the most wounding suspicions against my character. You assign no reasons for your proceeding, but rather give an insinuation as wounding as an allegation of the basest crimes.

Gentlemen, if you know or suspect me to be chargeable with any vice or crime that ought to debar me from the common privileges enjoyed by clergymen of your order, I request you to state it plainly.

I am constrained to view your treatment, considering the manner of it, as extremely cruel. The obligations I feel of duty to myself and my friends, will not allow me to rest in silence.

With sentiments of due respect,

J. RICHARDSON."

No answer to this note has been received, although a number of months has elapsed since it was communicated.

The fact is undoubtedly generally known throughout the towns and precincts of the Bay Association, that the minister of the first parish in Hingham, applied for

admission into that Association, and for exchanges with them, and was refused. From the conduct of that Association, the people in their parishes and precincts have great reason to suspect the minister or his parish in Hingham to be guilty of some vices, crimes or misdemeanors. Be it therefore publickly known, that the reason for countenancing such a suspicion is demanded of the Bay Association. Or will they indulge the base, barbarous malice of a murderous assassin, who conceals his dagger under his cloak ?

The minister of the first parish in Hingham, actually felt that he exercised a great degree of condescension in manifesting a willingness to associate with men who had pursued such a course of conduct, as had some of the members of that Association.

Many of his parishioners apprehended danger from a connexion with them. But that gentle spirit which inclines true christians to bear with one another's infirmities, and to shew forgiveness, seemed to dictate conciliatory advances. Such advances proved like "the casting of pearls before swine." Whilst aiming to fulfil the law of Christ, we met those "who turned again to rend us."

Will those men pretend that they had a right to reject without assigning any reason ? The instance cannot be found in which a clergyman has been denied the common privileges of his order, unless for some alledged vice, crime or misdemeanor. If the minister, parish or church has committed any crime, let them be accused, and let the proofs be exhibited.

It has been asserted that the opposers of the first parish in Hingham, and of their minister, are at the bottom of this business. It is believed there cannot be much doubt of the fact. There is much reason to believe that the minister of the third parish in Hingham, would have been compelled to take his dismission from the Bay Association, if the minister of the first parish had been admitted as a member. In what light does this case present the Bay Association ? Are they not used as mere tools by the third parish in Hingham, to strengthen and uphold them ? Have not the Bay Association by this management become a decided party in the dispute, whilst they exchange and associate with

the minister of one party, and refuse to exchange and associate with the minister of the other party? And will the churches and parishes of such ministers uphold them in such proceedings when they are fully understood?

If the ministers of the Bay Association, have taken their ground of opposition to the minister and people of the first parish in Hingham, on account of any misconduct that authorizes such opposition, justice demands that it be made known to all the parties concerned.

Some of the Bay Association, have complained against the first parish in Hingham, for not calling any of them upon the ordaining council when they settled their minister. The reason was plainly this, a number of that Association had manifested too much zeal in the cause of the opposition, to be considered and trusted as impartial men. And their late conduct has fully confirmed the unfavourable opinion that was formed of them.

Have not the Bay Association clearly evinced that they have been governed by motives of a political nature? Who can believe that these men would have conducted in relation to the first parish in Hingham, in the manner they have done, if the people and minister of that parish had been what is called federal in their politics?

Does not the conduct of the Bay Association harmonize with that of the malignant of their party, who pursue with unceasing virulence every professional or leading character among the republicans?

Have they not for many years uniformly pursued the diabolical policy of attacking and destroying the private character of their political opponents, to prevent the people from reposing confidence in them? Here is the root of the rejection, without reasons, when solemnly demanded. Calumniators affect to be above specifying or proving their accusations. Or when they attempt proof, it consists of suspicions, insinuations, suppositions, and surmises. In these coverings of dark designs, they circulate the most deadly slanders.

Suppose it should be admitted for argument's sake, that the proceedings of the first church and parish, were in some points not perfectly regular, or that their minis-

ter is justly chargeable with some improprieties of conduct in early life, and the conduct of the church and parish, and of their minister, for the space of *eleven years*, has been not only blameless, but friendly to the interests of religion and virtue, we ask if our opponents and the Bay Association are to be countenanced in acts of wanton hatred?

Let the conduct of the members of the Bay Association, during their early life, be brought into investigation without any of the distortions of malice, and how would *their characters* stand the test? Yes, let not only their professional conduct, but their actions in *private life*, within the space of eleven years, be brought into strict scrutiny, and exposed before the public, and how would they appear? Let them answer these questions to the people of their charge. Let them answer for the conduct of which they have been guilty in relation to the affairs at Hingham.

These men claim the honor of liberal sentiments. Like "Scribes and Pharisees, hypocrites of old, they pay tithe of mint, anise, and cummin; and have they not omitted the weightier matters of the law, judgment mercy and faith?"

What character belongs to clergymen who use their professional influence to countenance disorderly members of churches, and aid the circulation of the most wicked calumnies for the purpose of injuring a parish and minister of a different political party? To what can they be justly compared but to "Scribes and Pharisees, hypocrites! like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness?"

Would any one inquire why the conduct of the Bay Association is thus exposed, or why an appeal is made to the people of their charge? The answer is, because such conduct is deemed injurious to the interests of religion, and tending to undermine the welfare of the people.

A large majority of the people of the County of Plymouth are believed to be strongly attached to the cause of civil liberty, and to their national government. If their clergy evince by their conduct that they are influenced and governed by a malignant party spirit, it must

be difficult for the hearers to believe that their doctrines are messages of heavenly truth. An intolerant party spirit toward men of republican sentiments, must and ought to destroy the confidence of hearers who are of these sentiments, if they have reposed any in them. If political malice will induce clergymen to conduct dishonestly, or with criminal partiality in religious affairs, must not the interests of religion be injured?

What would the Bay Association do if they had power? Would they not cut off the church, people, and minister of the first parish in Hingham from all the privileges of christian fellowship? They have done this to the full extent of their power and influence; and for no crime or misdemeanor that they had the manliness or honor to name, even since it has been most earnestly requested.

Can it be denied that such proceedings, if not corrected nor exposed, will undermine the liberties, the welfare of the people? Their conduct speaks this language: "Disgrace every professional character of republican sentiments. Cover him with infamy, that the people may have no confidence in him." If people, truly friendly to the cause of civil liberty, lose their confidence in professional men of their own party, the natural consequence is, that they turn away from them to follow their deceivers. This vile game has been played till it has, within a short period of time, threatened the most fatal consequences to our country. Owing to proceedings of this nature, very few men of republican sentiments are to be found in this part of our country, in the learned professions. The horrors of political persecution are arrayed against every young man of republican sentiments who aspires to a professional life. The people are consequently compelled to receive their *physic*, *law*, *divinity*, and *school instruction*, almost exclusively from men of opposite sentiments. This aids the purposes of designing men. By this subtil policy they deal their destruction around and still conceal their mischievous hands, sometimes, alas! under the sacerdotal cloak.

The foregoing observations are made particularly to expose such men as prostitute the holy office of the He-

rald of the Gospel; and to defend religion against the stigma which unhallowed men cast upon her.

At the same time, duty demands that other clergymen in the vicinity and elsewhere who have pursued a course of conduct more worthy of the christian character, receive the most respectful notice.

We mention with grateful recollection, that there is a goodly number of clergymen whose christian kindness and fellowship we enjoy; men of piety, private worth, distinguished talents and high reputation.

There are those too ranked in the same political party with the Bay Association, who violate not the holy obligations of christian charity and fidelity to serve the demon of party spirit.

Men of distinguished worth of this description have extended to the first parish and their minister, the hand of christian fellowship and friendly intercourse. It is a precious consolation that all the world is not controuled by the Bay Association nor by their dictators, and that the keys of the kingdom of heaven are not literally in their hands.

If the conduct of the Bay Association has been directed by any other than a bitter party spirit, they will make it appear; otherwise they must rest under a censure, disgraceful as the guilt which this complaint imputes to their transactions.

The writer sincerely laments the existence of such causes for complaint and censure, and that self defence and the vindication of truth demand an exposure of a train of evils which threaten the most fatal consequences to society.

Considering the disposition the Bay Association have evinced, the first parish in Hingham and their minister have great reason to congratulate themselves, that they have escaped a connexion that would probably have been used as an occasion for the renewal of injuries.

It deserves to be mentioned as a subject of pious gratitude and thankfulness to a beneficent Providence, that the first parish and their minister are independent of the favor of the Bay Association. All they seek is, that the clergy of that Association may be convinced, that their conduct has been not only unchristian, but

highly dishonorable; and to defeat the wicked purposes which the writer believes their transactions have been calculated to execute.

The cause is respectfully submitted to the judgment of the honest and candid, in the indulgence of a hope that our christian brethren and fellow citizens will discountenance those proceedings by which severe injuries have been committed against the peace and welfare of a society and of their minister.

BAY ASSOCIATION.

The Bay Association consists of the following Members:

Rev. Z. WILLIS, *of Kingston.*
J. ALLYN, D. D. *of Duxboro'.*
J. FLINT, *of Cohasset.*
E. LEONARD, *of Marshfield.*
N. THOMAS, *of Scituate.*
P. WHITNEY, *of Quincy.*
N. B. WHITNEY, *of Hingham.*
M. ALLEN, *of Pembroke.*
G. BARSTOW, *of Pembroke.*
H. COLEMAN, *of Hingham.*
D. KIMBALL, *of Hingham.*
S. DEAN, *of Scituate.*

If any of the above named gentlemen have opposed the injurious measures exposed in this complaint, the fact is unknown to the writer.

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